



# राजपत्र, हिमाचल प्रदेश

## हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

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सोमवार, 14 मार्च, 2016 / 24 फाल्गुन, 1937

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हिमाचल प्रदेश सरकार

**LABOUR AND EMPLOYMENT DEPARTMENT**

**NOTIFICATION**

*Shimla, the 5<sup>th</sup> May, 2016*

**No: Sharm (A) 6-1/2014 (Awards).**— In exercise of the powers vested under section 17(1) of the Industrial Disputes Act, 1947, the Governor Himachal Pradesh is pleased to order the publication of awards of the following cases announced by the Presiding Officer, Labour Court Shimla on the website of the Department of Labour & Employment of the Government of Himachal Pradesh:—

Sr. No:	Case No: August, 2013	Title of the Case	Date of Award
1.	22/2012	Shri Pardeep Kumar V/s XEN, HPSEB Shimla.	12-02-2015
2.	96/2010	Shri Hari Ram V/s HPSEB, Shimla.	11-03-2015
3.	20/2012	Shri Hari Singh V/s HPSEB Chopal.	11-03-2015
4.	13/2014	Shri Rakesh Kumar V/S Dagshai Public School, Solan.	10-03-2015
5.	14/2014	Shri Manju Bala V/S –do-	10-03-2015

By order,  
Sd/-  
*Pr. Secretary ( Labour & Employment).*

**IN THE COURT OF A.S JASWAL, PRESIDING JUDGE, HP INDUSTRIAL  
TRIBUNAL CUM-LABOUR COURT, SHIMLA**

Ref no. 22 of 2012.  
Instituted on 31.5.2012.  
Decided on. 12.2.2015.

Pradeep Kumar S/o Shri Paras Ram R/o Pragti Kuteer, Shanan New Bhalai, P.O Sanjauli Shimla (HP).

*...Petitioner.*

*VS.*

The Executive Engineer, H.P.S.E.B. Electrical Division, Shimla, District Shimla, H.P.

*...Respondent.*

**Reference under section 10 of the Industrial Disputes Act, 1947.**

**For petitioner** : Shri Rahul Kashyap, Advocate.

**For respondent** : Shri Ramakant Sharma, Advocate.

***AWARD***

The reference, for adjudication, is as under:

**“Whether termination of the services of Shri Pradeep Kumar S/o Shri Paras Ram R/o Pragati Kuteer Shanan, new Bhalai, P.O Sanjauli Shimla (HP) by the Executive Engineer, HPSEB Electricla Division Shimla District Shimla w.e.f. 26.2.1994 without following the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, to what amount of back wages, seniority, past service benefits and compensation the above workman is entitled to from the above employer?”**

2. In nutshell, the case of the petitioner is that he was initially engaged as daily waged beldar, on 26.2.1988, by the respondent and worked as such till 25.5.1988. Again, he was reengaged on 5.1.1990 and continued till 18.11.1991, when his services were dispensed with without following the provisions of the Industrial disputes Act, 1947 (hereinafter referred as Act). It is further averred that on 7.6.1994, he had been given assurance by the concerned XEN that he would be reengaged as and when the work was to be available. However, the needful was not done. With the hope that he (petitioner) would be reengaged, he had kept on visiting the office of the respondent board but of no avail. Ultimately, he raised a demand notice on 29.6.2004 but the same met with rejection on 28.12.2006. Thus, he made a representation to the Hon'ble Chief Minister and in pursuance to the directions, made in this regard, by the Hon'ble Chief Minister, the respondent board processed his case. Despite that, the respondent board dilly-dallied in the matter of his reengagement. Ultimately, on 24.5.2010, he applied under RTI Act and got obtained the required information which was supplied to him on 1.7.2010. In the information, so supplied, the respondent board had admitted its mistake to disengage him. It is alleged that the petitioner had completed 240 days in a calendar year. Thus, his termination was against the mandatory provisions of the Act especially sections 25-F, 25-G and 25-H. It is further maintained that he is not gainfully employed. Against this back-drop a prayer has been made for his reengagement, with all the consequential service benefits, including back wages.

3. The claim of the petitioner has been contested on having raised various preliminary objections including maintainability and that the petitioner is estopped from filing this petition due to his own acts, conduct etc. On merits, it has been asserted that the petitioner, who had been engaged, as daily waged beldar, on 25.1.1988, had continued to work as such with breaks till 25.5.1988, when he abandoned the job on his own sweet will. He had not completed 240 days in any calendar year. Thereafter, he was reengaged w.e.f. 26.4.1990 and continued as such till 25.11.1991 when he again abandoned his job. Thereafter, he was reengaged on 10.2.1994 and continued till 25.3.1994 when he again left his job. The demand notice which had been raised by the petitioner was rightly rejected by the appropriate government. It is admitted that he had been supplied information on 1.7.2010. Since, the petitioner had abandoned his job, on his own, there is no question that his services had been terminated in violation of the provisions of sections 25-F, 25-G and 25-H of the Act. Other allegations denied.

4. By filing rejoinder, the petitioner has reaffirmed his own allegations by denying those of the respondent.

5. Pleadings of the parties gave rise to the following issues which were struck on 16.3.2013.

1. Whether the termination of service of petitioner by the respondent with effect from 26.2.1994 is in violation of the provisions of Industrial Disputes Act, 1947?

*OPP...*

2. If issue no. 1 is proved in affirmative, to what relief the petitioner is entitled to?

*OPR...*

3. Whether this petition is not maintainable as alleged?

*OPR...*

4. Whether the petitioner has abandoned the job at his own?

*OPR...*

5. Relief.

6. I have heard the learned counsel for the parties and have also gone through the record of the case carefully.

7. For the reasons to be recorded hereinafter while discussing issues for determination, my findings on the aforesaid issues are as under.

Issue no. 1 Accordingly in yes.

Issue no. 2 Entitled to reinstatement with seniority and continuity but without back wages.

Issue no. 3 No.

Issue no. 4 No.

Relief. Reference answered in favour of the petitioner and against the respondent, per operative part of award.

### ***Reasons for findings***

#### ***Issue no.1 & 4.***

8. Being interlinked, both these issues are taken up together for discussion and decision.

9. The contention of the petitioner is that his services w.e.f. 26.2.1994, had been terminated without following the mandatory provisions of the Act. On the other hand, the defence version is that, on his own, he had abandoned the job.

10. In his affidavit Ex. PW-1/A, the petitioner (PW-1) has supported all the facts as stated in the petition on all material counts including that on 18.11.1991, his services had been dispensed with without notice and paying compensation. He also stated that on 7.6.1994, the concerned XEN had assured to reengage him subject to the availability of work but of no avail. On 29.6.2004, he had raised a demand notice which was rejected by the appropriate government on 28.12.2006. He had got obtained an information under the RTI Act, by moving an application, Ex. PW-1/B and that the same is Ex. PA. He also stated that he is not gainfully employed anywhere. In the cross examination, he denied that for a specific work, he had been engaged and that he did not complete 240 days in a calendar year. He also denied that, on his own, he had left the job

11. Shri Pratap Singh (RW-1), has stated that the petitioner, on his own, had left the job on 25.5.1988. He also remained absent from 26.1.1988 to 25.2.1988. From 26.4.1990 to 25.11.1991, he was again reengaged. Ex. R-1 and Ex. R-2, are his mandays chart. In the cross-examination, he admitted that during 1990 and 1991, the petitioner had completed 240 days. He expressed his ignorance that the persons, named in mark B, who are junior to the petitioner, were reengaged or not.

12. From Ex. R-1, mandays chart, it is abundantly clear that w.e.f. 26.4.1990 to 28.3.1991, the petitioner had worked for 316 days. In his affidavit Ex. PW-1/A, the petitioner has also stated that on 18.11.1991, his services had been dispensed with. Although, the reference, which has been made to this Court pertains to the alleged termination of the services of the petitioner w.e.f. 26.2.1994, without following the provisions of the Act, but there is no such record produced by the respondent that in fact, the petitioner had worked till 26.2.1994, when his services were allegedly dispensed with. I may mention that even, from Ex. R-2, the mandays chart, it is abundantly clear that the petitioner had worked till 25.4.1991. Since, in the preceding twelve calendar months he

(petitioner) had completed more than 240 days as is evident from Ex. R-2, it was incumbent upon the respondent to have complied with the provisions of section 25-F of the Act. For the failure of the respondent to have complied with the provisions of the said Act, I have no hesitation to hold that his termination w.e.f. 25.4.1991, is against the provisions of the Act. Although, the defence version is to this effect that the petitioner had abandoned the job, on his own, but in the statement of Shri Pradeep Kumar (RW-1), it has nowhere come that the petitioner, who had allegedly left the job, had been sent any notice/communication to resume the work. It has been held by our own Hon'ble High Court in *latest HLJ 2007 (HP) 903 State of HP & Others Vs. Bhatag Ram & Another*. that:—

***“Plea of abandonment of job- merely raising the plea of abandonment is nothing but has to be established on the basis of facts. No facts led to substantiate the plea.”***

13. For my above discussion and law laid down by the Hon'ble High Court (supra), I have no hesitation in holding that the services of the petitioner had been terminated/disengaged, illegally and in an unjustified manner and that too without complying with the provisions of the Act. Accordingly, my answer to issue no.1 is in “yes” and issue no.4 is in “no”.

### **Issue no.2**

14. The petitioner has claimed his reinstatement with all the consequential service benefits. On the other hand, Ld. Counsel for the respondent has urged with vehemence that having regard to the short period for which the petitioner had remained engaged, he should be awarded compensation and not reinstatement. In support of his such contention, he has relied upon **(2013) 5 SCC 136, Assistant Engineer, Rajasthan Development Corporation and another Vs. Gitam Singh**. However, I am of the view that the manner in which the services of the petitioner had stood disengaged, he deserves to be reinstated. The services of the petitioner had been terminated on 25.4.1991 but he had raised the demand notice after about 13 years i.e on 29.6.2004. Keeping all the facts, in mind, it would be in the interest of justice if he is ordered to be reinstated when he had raised the demand notice i.e w.e.f. 29.6.2004. Accordingly, I order so. As far as grant of back wages to the petitioner are concerned, I may mention that *the Hon'ble Supreme Court in 2010 (1) SLJ S.C 70, M/s Ritu Marbals Vs. Prabhakant Shukla* has ruled that ***“full back wages cannot be granted mechanically, upon a order of termination be declared illegal. It is further held that reinstatement must not be accompanied by payment of full back wages even for the period when the workman remained out of service and contributed little or nothing to the Industry”***.

15. Consequently, for what has been stated and observed above, the petitioner is held entitled to be reinstated in service with seniority and continuity but without back wages from the date when he raised demand notice i.e w.e.f. 29.6.2004. Thus, my answer to this issue is in “Yes”.

### **Issue no. 3**

16. When, the reference came to be made to this Court, the petitioner filed the statement of claim. Thus, it cannot be said that this petition is not maintainable. Thus, by holding it to be maintainable, my answer to this issue is in “no”.

### **Relief**

As a sequel to my discussion/findings on the aforesaid issues, the claim of the petitioner is partly allowed and as such the respondent is directed to reinstate him **with seniority and continuity but without back wages from the date when he raised demand notice i.e w.e.f.**

**29.6.2004.** Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion be consigned to records.

Announced in the open court today this day of 12th Feb., 2015.

**(A.S JASWAL)**  
*Presiding Judge,*  
*Industrial Tribunal-cum-Labour Court, Shimla.*

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**IN THE COURT OF A.S JASWAL, PRESIDING JUDGE, HP INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, SHIMLA.**

Ref no. 96 of 2010.  
Instituted on 7.8.2010  
Decided on. 11.3.2015.

Hari Ram S/o Shri Jathu Ram R/o Vilage Mehri Kathala, P.O Nalti, Tehsil Ghumarwin,  
District Bilsapur, H.P.

...*Petitioner.*

*VS.*

1. The Secy. HPSEB, Vidyut Bhawan, Shimla-4.
2. The Director, SJVNL (NJPC), BCS New, Shimla, HP.

...*Respondents.*

**Reference under section 10 of the Industrial Disputes Act, 1947.**

**For petitioner:** Shri R.K Khidta,, Advocate.  
**For respondent No.1:** Shri Ramakant Sharma, Advocate.  
**For respondent No.2:** Shri S.D Sharma, Advocate.

***AWARD***

The reference, for adjudication, is as under:

**“Whether termination of the services of Shri Hari Ram S/o Shri Jathu Ram by the above employers w.e.f. 30.4.1991 (F.N) without complying the provisions of the Industrial Disputes Act, 1947 and clause 14 of the Certified Standing Orders of the HPSEB, is legal and justified? If not, to what relief of service benefits including reinstatement, arrear of back wages and compensation the above named workman is entitled to from the above employers?”**

2. In nutshell, the case of the petitioner is that he was engaged as driver by the respondent in the office of Assistant Engineer, Nathpa Jhakri (E) P&M, Sub Division Dhalli, Shimla-12 w.e.f. 1.5.1989 and worked as such till 30.4.1991, continuously. In fact, on 20.4.1991, said Assistant Engineer had served him notice whereby his services stood terminated/retrrenched w.e.f. 30.4.1991. Immediately, after having been served with said notice, dated 20.4.1991, he filed OA no. 537/1991, before the Hon’ble Administrative Tribunal (hereinafter referred as Tribunal), on 29.4.1991, and

the same was allowed vide order dated 2.6.2000. Since, respondent no.1, had felt aggrieved by the said judgment, a writ petition was filed before the Hon'ble High Court, registered as CWP No. 805/2000, in which the judgment of the Tribunal was set aside, as per judgment passed on 17.12.2004, mainly on the ground that the Tribunal had no jurisdiction to entertain the matter. However, the Hon'ble High Court had given liberty to the petitioner to approach the appropriate authority under the provisions of Industrial Disputes Act, 1947 (hereinafter referred as Act). It is further averred that after the passing of judgment of the Hon'ble High Court, the petitioner filed demand notice before the Labour-cum-Conciliation Officer, Shimla but the conciliation proceedings failed and thus a reference was caused to be made to this Court. In the order/judgment dated 2.6.2000, passed by the Tribunal, the termination of the petitioner had been set aside on the ground that the mandatory provisions of the Act as well as clause 14 of the HPSEB Standing Orders were violated. It is further averred that the petitioner had completed 240 days in each calendar year to the satisfaction of the respondents. After his illegal termination, he had continued to visit the office of the Assistant Engineer, number of times but of no avail. It is further averred that the respondents have also engaged new persons without calling the petitioner. Since, the services of the petitioner had been terminated in violation of the provisions of section 25-F, 25-G, 25-H and 25-N of the Act as well as Standing Orders of the HPSEB, he deserves to be reinstated with all the consequential service benefits including full back wages and regularization.

3. The claim of the petitioner has been contested by respondent no.1 on having raised various preliminary objections including maintainability, limitation and that it is bad for non-joinder and mis-joinder of necessary parties because w.e.f. 1.8.1991, all assets, works, liabilities as well as staff working for Nathpa Jhakri Project stood transferred and vested in NJPC (now known as SJVN) which being an independent legal entity is a necessary party. On merits, it has been stated that at the relevant time, NJPC known as SJVNL was part and parcel of HPSEB but now since 1.8.1991, it is an independent body and working as joint venture under State and Central governments. The petitioner had been engaged as daily waged driver purely on temporary basis till the appointment of regular driver, who joined his post on 30.4.1991. It is further pleaded that the services of the petitioner had been terminated after serving due notice and offering payment in lieu of notice for retrenchment, wages for such period as the notice fell short of one month, along-with the retrenchment compensation, in terms of the provisions of the Act but he failed to accept the same. It is further reiterated that in view of the posting of the new incumbent, the services of the petitioner were no longer required. As far as the provisions of Standing Orders are concerned, those are not applicable in the organization of the replying respondent. Annexure RA-6, is the copy of order dated 31.7.1991, transferring all the assets and liabilities to the NJPC. Since, the disengagement of the petitioner w.e.f. 30.4.1991, had been made by the competent authority, in accordance with law, therefore, such action is perfectly legal and warrants no interference. Other allegations either admitted or denied.

4. Respondent no.2, also contested the claim of the petitioner by raising preliminary objection qua maintainability. On merits, it has been stated that well before 1.8.1991, when the SJVN (respondent no.2) came into being, as an independent entity, the services of the petitioner had already stood terminated by respondent no.1. It is further averred that HPSEB rules and regulations continue to govern the service conditions of those employees who had been transferred to SJVN Ltd. Since, the replying respondent had not in any way involved in the engagement or retrenchment of the services of the petitioner, no relief can be claimed against it. Other allegations denied.

5. By filing rejoinders, the petitioner has reaffirmed his own allegations by denying those of the respondents.

6. Pleadings of the parties gave rise to the following issues which were struck on 2.4.2011.

1. Whether the services of the workman Hari Ram have been terminated in an illegal manner without complying the provisions of the Industrial Disputes Act and standing orders of the respondent Board as alleged?

*OPP...*

2. If issue no. 1 is proved in affirmative, whether petitioner workman is entitled for reinstatement, back wages and other statutory benefits as prayed?

*OPP...*

3. Whether this claim petition is not maintainable?

*OPR...*

4. Relief.

7. I have heard the learned counsel for the parties and have also gone through the record of the case carefully.

8. For the reasons to be recorded hereinafter while discussing issues for determination, my findings on the aforesaid issues are as under.

Issue no.1 Accordingly in yes.

Issue no.2 Entitled to reinstatement with seniority and continuity but without back wages.

Issue no.3. Yes against respondent no.2.

Relief. Reference answered in favour of the petitioner and against the respondent No.1, per operative part of award.

### ***Reasons for findings***

#### ***Issue no.1 & 2.***

9. Being interlinked and interconnected, both these issues are taken up together for discussion and decision.

10. It has been specifically stated by the petitioner that consequent upon notice, dated 20.4.1991, his services had stood terminated w.e.f. 30.4.1991 in violation of the provisions of the Act. The plea of respondent no.1 is that on having complied with the provisions of the Act, the services of the petitioner had been legally terminated. Since, a regular incumbent/driver had joined his duties w.e.f. 1.5.1991, the petitioner is not entitled for any relief. The stand taken by respondent no.2 is that on 1.8.1991, when it come into being, as an independent entity, neither the services of the petitioner had been transferred to it nor it, in any manner, had played role as far as his termination w.e.f. 30.4.1991 was concerned.

11. The petitioner (PW-1) in his affidavit has reaffirmed the allegations as made in the petition on all material counts including that he had completed 240 days in each calendar year before his services were terminated in violation of the provisions of the Act. He categorically stated



that the notice which had been issued to him, was not proper. Without calling him back to join service, the respondents have engaged new persons. In the cross-examination, he stated that w.e.f. 1.8.1991, NJPC (project) is known as SJVN. As far as HPSEB and NJPC are concerned, those are separate entities. He denied that on 1.5.1991, he had been issued notice of termination of services with wages of one month vide mark X and that he refused to receive the same. He denied that on 30.4.1991, Shri Harish Chander, joined as regular driver. He admitted that after bifurcation, there was no liability of HPSEB. When cross-examined on behalf of respondent no.2, he admitted that when he was appointed, Nathpa Jhakri Project was being executed by HPSEB. He further admitted that he had been appointed by the Board and his services had been terminated by it (Board).

12. Shri Deepak Chauhan (PW-2), stated that he could not bring the summoned record pertaining to Hari Ram (petitioner) because the same is not available with the Board for the reason that it already stood transferred/sent to NJPC on 1.8.1991. In OA No. 537/1991, in which Electricity Board was a party, its stand was that the petitioner was its worker. The petitioner had worked continuously from 1.5.1989 to 30.4.1991. On being cross-examined on behalf of respondent no.1, he admitted that HPSEB, after 1.8.1991, had no control of the workers who were employees of NJPC. When, cross-examined on behalf of respondent no.2, he admitted that SJVN came into existence on 1.8.1991 and that the petitioner had been engaged by the Board which terminated his services. He further admitted that the employees/workers who had come on the rolls, of SJVNL, from the Board, on secondment basis, their list had been prepared. In that list, the name of the petitioner did not figure.

13. Shri Jagat Ram (RW-1) has stated that on 1.5.1989, the petitioner was engaged as driver on daily wages basis and that he worked, till 30.4.1991, continuously. In order to retrench the services of the petitioner, he had been issued notice dated 20.4.1991, which is mark A. The petitioner had been paid retrenchment compensation. HPSEB and SJVNL are separate entities. In the cross-examination, he admitted that NJPC (project) and its offices were being run by HPSEB till 31.7.1991. The petitioner who had been engaged by HPSEB in Nathpa Jhakri Project, was disengaged by HPSEB on 30.4.1991. Only that staff had been transferred from NJPC to SJVNL which had been in service on 31.7.1991. On having been cross-examined, on behalf of respondent no.1, he stated that he has brought no such record on the basis of which it could be said that the petitioner had completed 240 days. The services of the petitioner had been terminated on the basis of the notice dated 20.4.1991, the copy of which is Ex. RX. The Board has its standing orders. He admitted that on 20.4.1991, the provisions of the Act were applicable to Electricity Board. He admitted that if a worker had to be terminated, he was required to be given one month's notice. The petitioner had not been issued one month's notice. He also admitted that along-with notice dated 20.4.1991, no compensation had been paid/sent to the petitioner. He further admitted that the work which the petitioner was performing is still available with the Board, NJPC and SJVNL.

14. Shri Surender Sharma (RW-2) who has appeared as a witness, on behalf of respondent no.2, has stated that SJVNL started running the Project, which was being earlier run by NJPC, w.e.f. 1.8.1991 vide notification, Ex. RW-1/C. The employees who had been working with NJPC till 31.7.1991 were transferred to SJVNL. The services of the petitioner had never been transferred to SJVNL for the reason that the same stood already retrenched by the HPSEB on 30.4.1991. In the cross-examination, he admitted that even today, the work of driver is available in SJVNL.

15. From the evidence, which has been referred to above, it is abundantly clear that the provisions of the Act were applicable to HPSEB on 20.4.1991, when a notice for the termination of the petitioner was issued. It has been admitted by Shri Jagat Ram (RW-1) that one month's notice was required to be issued to the petitioner for terminating his services. It has been stated by the petitioner that he had completed 240 days in each calendar year before his termination. PW-2, Shri Deepak Chauhan has stated that the petitioner had continuously worked from 1.5.1989 to

30.4.1991. Since, from the evidence, on record, it stands proved that before his termination, the petitioner had completed 240 days, respondent no.1 (HPSEB) was required to have complied with the provisions of section 25-F of the Act before terminating his services w.e.f. 30.4.1991. Since, the mandatory provisions of the Act had not been complied by respondent no.1 before terminating the services of the petitioner, I hold his termination w.e.f. 30.4.1991 to be illegal and unjustified.

16. Now, the question arises as to what service benefits the petitioner is entitled to. I may mention that from the record, it is clearly borne out that the services of the petitioner had come to be retrenched /terminated w.e.f. 30.4.1991. Although, a plea has been taken by respondent no.1, that, when SJVNL came into being, as a separate entity, the services of the employees of HPSEB/NJPC, stood transferred to it. Since, the services of the petitioner had already stood terminated w.e.f. 30.4.1991, he was not transferred to SJVNL. It has been specifically stated by PW-2 (Deepak Chauhan) that the employees/workers who had been transferred to SJVNL, their list had been prepared and in that list the name of the petitioner did not figure. When, the services of the petitioner had not been terminated by respondent no.2, it cannot be directed to reinstate him. As, the services of the petitioner had been illegally terminated by respondent no.1 (HPSEB) w.e.f. 30.4.1991, it is duty bound to reinstate him w.e.f. 1.5.1991. As far as grant of back wages to the petitioner are concerned, I may mention that the *Hon'ble Supreme Court in 2010 (1) SLJ S.C 70, M/s Ritu Marbals Vs. Prabhakant Shukla* has ruled that “*full back wages cannot be granted mechanically, upon a order of termination be declared illegal. It is further held that reinstatement must not be accompanied by payment of full back wages even for the period when the workman remained out of service and contributed little or nothing to the Industry*”.

17. The petitioner has also claimed regularization in service. His such claim cannot be looked into by this Court because as far as his regularization is concerned, it is to be ordered by the department concerned as per the Policy of the State Government regarding regularization of daily wagers.

18. Consequently, for what has been stated and observed above, the petitioner is held entitled to be reinstated in service with seniority and continuity but without back wages w.e.f. 1.5.1991. Thus, both these issues are answered accordingly.

### Issue no. 3

19. An objection has been taken by the respondents that this petition is not legally maintainable. I may mention that as far as the maintainability of this petition against respondent no.2, is concerned, it cannot be said to be legally maintainable against it because at the relevant time neither the petitioner had been engaged by it, on 1.5.1989, nor his services were terminated by it w.e.f. 30.4.1991 consequent upon the notice dated 20.4.1991. Thus, I hold that although this petition is legally maintainable against respondent no.1, it is not maintainable against respondent no.2. Thus, this issue is answered accordingly.

### Relief

As a sequel to my discussion/findings on the aforesaid issues, the claim of the petitioner is partly allowed and as such respondent no.1 (HPSEB) is directed to reinstate him **with seniority and continuity but without back wages w.e.f. 1.5.1991**. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion be consigned to records.

Announced in the open court today this day of 11th March, 2015.

(A.S JASWAL),  
Presiding Judge,  
Industrial Tribunal-cum-Labour Court, Shimla.

**IN THE COURT OF A.S JASWAL, PRESIDING JUDGE, HP INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, SHIMLA.**

Ref no. 20 of 2012.  
Instituted on 31.5.2012  
Decided on. 11.3.2015.

Hari Singh S/o Sh. Kumbia Ram R/O Village Thundara, P.O. Malot, Tehsil Chopal, Distt. Shimla, H.P.

... *Petitioner.*

*VS.*

The Executive Engineer, H.P.S.E.B. Electrical Division, Chopal, District Shimla, H.P.

.. *Respondent.*

**Reference under section 10 of the Industrial Disputes Act, 1947.**

**For petitioner :** Shri Sanjeev Sharma, Advocate.  
**For respondent :** Shri Ramakant Sharma, Advocate.

***AWARD***

The reference, for adjudication, is as under:

**“Whether termination of the services of Shri Hari Singh S/O Sh. Kumbia Ram R/O Village Thundara, P.O. Malot, Tehsil Chopal, Distt. Shimla HP by the Executive Engineer, H.P.S.E.B. Electrical Division, Chopal, Distt. Shimla. w.e.f. 25.1.1990 without following the provisions of the Industrial Disputes Act, 1947, is legal and justified ? If not, to what amount of back wages, seniority, past service benefits and compensation the above workman is entitled to from the above employer?”**

2. In nutshell, the case of the petitioner is that he was employed as daily waged beldar on 26.12.1985 in the Himachal Pradesh State Electricity Board, Electric Division, Nerwa under the Electric Division Theog. In the year, 1990, a new division was created namely HPSEB, Chopal and after the creation of new division, his services were transferred to HPSEB Sub Division Nerwa (now Kupvi) under the HPSEB Electric Division, Chopal. To the satisfaction of his superiors, he had been performing his duties honestly and sincerely. It is further averred that he had been working continuously and uninterruptedly except some fictional breaks. However, on 25.1.1990, he was orally told by the concerned Assistant Engineer that his services were no longer required and as such he was not to come for duties w.e.f. 26.1.1990. In this way, his services were terminated without complying with the provisions of the Industrial Disputes Act, 1947 (hereinafter referred as

Act) as well as Standing Orders framed and notified by the respondent board. Even, the principles of First come Last go was not followed. It is further averred that at the time of his disengagement, it was told that he would be called back/reengaged as and when work was to be available. Thereafter, he continued to visit the office of SDO concerned with the request to reengage him but of no avail. In the year, 1996, he came to know that many fresh persons namely S/Shri Ram Lal, Lachhi Ram, Dharam Singh and Ratti Ram had been engaged by the competent authority in Sub Division HPSEB Kupvi. Since, he had not been called for reemployment, he visited the office of the respondent with the request to reengage him but the needful was not done. In these circumstances, he was compelled to approach the Hon'ble High Court by filing Civil Writ Petition which was registered as CWP no. 962/1996 titled as Hari Singh Vs. HPSEB, which was disposed of vide judgment dated 1.8.1996 whereby he (petitioner) was afforded opportunity to file representation within three weeks to his employer who (employer) was to dispose of the same within four weeks. In compliance to the directions issued by the Hon'ble High Court, he submitted a detailed representation to the respondent board in which he submitted his termination to be in utter violation of the provisions of section 25-F, 25-G and 25-H of the Act as well as Standing Orders, framed and notified by the respondent. However, without looking the factual position as well as legal submission, made by the petitioner, his representation was rejected. Thereafter, he served a demand notice on the competent authority and during conciliation proceedings, Executive Engineer, HPSEB Chopal, filed detailed reply wherein it was averred that the services of the petitioner were never terminated but he had left the same on his own. In that reply, the employer had admitted that after his termination, many fresh persons had been engaged without calling the petitioner to join duties. Since, the conciliation proceedings had failed, a report, in this regard, was made to the Labour Commissioner Himachal Pradesh under section 12 of the Act. It is averred that the Labour Commissioner, without having appreciated the facts, declined the making of reference, mainly on the ground of delay, vide letter dated 1.2.2002. On having felt aggrieved, with the action of the Labour Commissioner, he (petitioner) approached the Hon'ble High Court by filing Civil Writ Petition, CWP no. 508 of 2002, which was allowed vide judgment dated 21.5.2007. Against the judgment passed by the Hon'ble Single Judge, dated 21.5.2007, an LPA bearing no. 157 of 2007, was filed which was dismissed vide judgment dated 29.3.2012. In this way, a reference was caused to be made to this Court by the appropriate government. It is averred that since, his services had been terminated in violation of the mandatory provisions of the Act, especially, 25-F, 25-G and 25-H, he deserves to be reengaged/reinstated with all the consequential service benefits including back wages.

3. The claim of the petitioner has been contested on having raised various preliminary objections including maintainability, barred by time and also that the claim raised by the petitioner suffers from latches. On merits, it has been asserted that the petitioner who had been initially engaged as daily waged beldar, on muster roll w.e.f. 26.3.1986 had worked as such up to 25.1.1990 under Electric Sub Division, Kupvi under the administrative control of Electric Division, HPSEB Theog with certain interruptions/breaks. Further, he had never completed 240 days in any calendar year. It is further averred that the services of the petitioner had never been terminated by the replying respondent. In fact, on his own, he had left the job by not turning after 25.1.1990. Since, he had not completed 240 days of continuous service, he had not acquired the status of temporary workman, under the provisions of the Act, to entitle him for the service of notice as well as payment of retrenchment compensation. Although, no fresh hands were engaged but three persons namely S/Shri Ram Lal, Lachhi Ram and Dharam Singh had to be reengaged in pursuance of the orders/directions passed by the Labour Court. It is further averred that from 1990 till 1996, the petitioner never raised any dispute. Other allegations either admitted or denied.

4. Pleadings of the parties gave rise to the following issues which were struck on 5.9.2013.

1. Whether the termination of service of petitioner with effect from 25.1.1990 without following the provisions of Industrial Disputes Act, 1947 is illegal and unjustified as alleged?

*OPP...*

2. If issue no. 1 is proved in affirmative, to what benefits the petitioner is entitled to?

*OPR...*

3. Relief.

5. I have heard the learned counsel for the parties and have also gone through the record of the case carefully.

6. For the reasons to be recorded hereinafter while discussing issues for determination, my findings on the aforesaid issues are as under.

Issue no.1	Accordingly in yes.
Issue no.2	Entitled to reinstatement w.e.f. 1.1.1996 but without back wages.
Relief.	Reference answered in favour of the petitioner and against the respondent, per operative part of award.

### ***Reasons for findings***

#### ***Issue no. 1.***

7. It has been very specifically stated by the petitioner that his services had been terminated/disengaged w.e.f. 25.1.1990, by the respondent, without having complied with the mandatory provisions of the Act. On the other hand, the stand taken by the respondent is to this effect that since the petitioner, on his own, had left the job on 25.1.1990, and that he had not remained in continuous service for 240 days in any of the calendar years, there was no necessity to have complied with the requirements of section 25-F of the Act. The stand of the respondent regarding fresh engagements is that three persons, as named above, had to be reengaged on the orders of this Court.

8. In his affidavit Ex. PW-1/A, the petitioner (PW-1) has supported the facts as stated in the petition on all material counts including that on 25.1.1990, his services had been orally terminated by the concerned SDO. He also stated that in the year, 1996, when he came to know that fresh persons had been employed by the competent authority, without having given him preference, he again visited the office of his employer with the request to reengage him but of no avail. The persons, who had been engaged after his disengagement are S/Shri Ram Lal, Lachi Ram, Dharam Singh and Ratti Ram. Since, his services had been terminated in violation of the provisions of the Act, he deserves to be reengaged with all the consequential benefits. Ex. Pw-1/B, is the reply to his demand notice. Copy of his mandays chart is Ex. PW-1/C. Ex. PW-1/F, is the copy of CWP No. 508 of 2002. Ex. Pw-1/G, is the copy of LPA no. 157 of 2007. In every calendar year, he had completed 240 days. In the cross-examination, he denied that he used to remain absent from duties and that his services were never terminated. After 25.1.1990, he was not called for job.

9. Shri Sita Ram (PW-2) has stated from the summoned record that Ex. PW-2/A, is the copy of the mandays chart of the petitioner as per which, he (petitioner) had been engaged on 26.12.1985, on muster roll. When, his services were terminated, neither any notice was issued nor

he was paid compensation. From 26.1.1987 till 25.12.1987, the petitioner had worked for 309 days, which has also been shown in Ex. PW-1/C. Juniors, to the petitioner, namely Lachhi Ram, Dharam Singh and Ratti Ram have been regularized. The status of Shri Ram Lal who is also junior to the petitioner is that of work charge. The department had terminated the services of the petitioner orally. Ex. PW-1/G, is the copy of the judgment of LPA, which has been filed by the department. Ex. PW-2/A has been prepared on the basis of muster roll register. Ex. PW-2/B is the mandays chart upto 1990. In the cross-examination, he stated that as per the summoned record, Hari Singh (petitioner) had been engaged on 26.12.1985 as beldar on muster roll. Ex. PW-1/B and Ex. PW 1/E, have not been prepared by him. He denied that no junior to the petitioner has been in service of the respondent.

10. Shri Vijay Kumar (RW-1) has stated that the petitioner, who had been engaged as daily waged beldar on 26.3.1986, had worked till 25.1.1990. In no calendar year, he had completed 240 days. The department had not terminated the services of the petitioner who, on his own, had left the job on 25.1.1990 and thereafter, did not turn up. Since, the petitioner had himself, left the job, there was no necessity to issue him notice and to pay compensation. The department has not engaged any person junior to the petitioner. Who-so-ever have been engaged, those were engaged on the orders of the Court. In the cross-examination, he admitted that after 25.1.1990, the department had engaged other persons on daily wages. Self-stated that, they had been engaged on the orders of the Court. He admitted that on 25.1.1990, the services of the petitioner had been terminated, orally. He further admitted that at present there is work available with the department in Electric Sub Division Kupvi.

11. From the evidence, which has been referred to above, it is abundantly clear that the petitioner has failed to prove that he had worked for 240 days in a calendar year preceding his alleged termination. It has been specifically stated by Shri Vijay Kumar (RW-1), that in no calendar year, the petitioner had completed 240 days. In my considered view, the petitioner has failed to prove that he has completed 240 days in a calendar year preceding his termination. To claim benefit under section 25-F of the Act, it was upon the petitioner to have established that prior to his termination, he had completed 240 days. It has been held in **2009 (120) FLR 1007 an Civil Appeal no. 4468 of 2005 of Hon'ble Supreme Court incase titled as Relip Nagarpalika Vs. Babuji Gabhaji Thakore and others** that:

***“The burden of proof lies on the workman to show that he had worked continuously for 240 days for the preceding one year and it is for the workman to adduce evidence apart from examining himself to prove the factum of being in employment of the employer.”***

Since, the petitioner has failed to prove that he had worked continuously for 240 days in the preceding one year from the date of his termination, his alleged termination cannot be said to be in contravention of the provisions of section 25-F of the Act. The evidence further goes to show that after 25.1.1990, when the services of the petitioner were terminated, the department has engaged new persons as named above. If new persons were required to be engaged, the department concerned was required to call the petitioner to join duties in compliance with the mandatory provisions of the Act. On the record, there is no such document, which may go to show that when persons junior to the petitioner were engaged, any notice had been issued to him to join his job. Since, the petitioner has proved, on record, that persons junior to him, as named above, have been engaged by the respondent after his termination, his termination w.e.f. 25.1.1990, deserves to be held as illegal and in violation of the provisions of the Act. It has been held by our own Hon'ble High Court, incase titled as **State of HP & Others V/s Bhatag Ram & Anr. as reported in latest HLJ 2007 (HP) 903**. that :-

***“Continuing of 240 days is not necessary in 12 calendar months. It is not necessary to workman to complete 240 days during 12 months for taking the benefits of section 25-G & 25-H of the Act.”***

12. The defence version is to this effect that the petitioner, on his own, had left the job but in support thereof, there is no evidence at all. I may mention that if the petitioner had left the job, on his own, it was incumbent upon the respondent to have issued him notice to join his duties. No such document has been brought, on record, which may go to show that any such notice had been issued to the petitioner.

13. For my above discussion and law laid down by the Hon'ble High Court (supra), I have no hesitation in holding that the services of the petitioner had been terminated/disengaged, illegally and in an unjustified manner and that too without complying with the provisions of the Act especially sections 25-G and 25-H. Accordingly, my answer to this issue is in “Yes”.

## **Issue no. 2**

14. The petitioner has claimed his reinstatement with all the consequential service benefits including back wages. The evidence, on record, goes to show that the services of the petitioner were terminated, orally, on 25.1.1990 but he pursued his case seriously in the year, 1996 when he came to know that fresh persons had been given employment by the competent authority. Although, it is his version that he had kept on going/visiting the concerned office for his reengagement but there is no cogent evidence, in this regard, on the record,. In case, he had been visiting the concerned office, he was required to have moved some application for his reengagement. In the absence of such, I am of the view that only in the year, 1996, the petitioner had taken recourse for his reengagement. I may mention that only in the year, 1996, he had filed CWP no. 962 of 1996 titled as Hari Singh Vs. HPSEB in the Hon'ble High Court, in which, it had been ordered that he was to file representation before respondent no.1 which was to be decided within four weeks. Since, the petitioner has failed to prove that w.e.f. 25.1.1990, till 1996, he had taken steps for his reengagement, I am of the opinion that he should be ordered to be reengagement from the year, 1996 i.e. w.e.f. 1.1.1996. Accordingly, I order so. As far as grant of back wages to the petitioner are concerned, I may mention that the ***Hon'ble Supreme Court in 2010 (1) SLJ S.C 70, M/s Ritu Marbals Vs. Prabhakant Shukla*** has ruled that ***“full back wages cannot be granted mechanically, upon a order of termination be declared illegal. It is further held that reinstatement must not be accompanied by payment of full back wages even for the period when the workman remained out of service and contributed little or nothing to the Industry”***.

15. Consequently, for what has been stated and observed above, the petitioner is held entitled to be reinstated in service with seniority and continuity but without back wages w.e.f. 1.1.1996. Thus, my answer to this issue is in “Yes”.

## ***Relief***

As a sequel to my discussion/findings on the aforesaid issues, the claim of the petitioner is partly allowed and as such the respondents are directed to reinstate him **with seniority and continuity but without back wages w.e.f. 1.1.1996**. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion be consigned to records.

Announced in the open court today this day of 11th March, 2015.

**(A.S JASWAL),**  
Presiding Judge,  
Industrial Tribunal-cum-Labour Court, Shimla.

**RAKESH KUMAR V/S DAGSHAI PUBLIC SCHOOL, SOLAN**

18/3/2015

**Present:-** Sh. Niranjana Verma Adv. for the petitioner.

Sh. V.K.Gupta AR for the respondent.

It has been stated by Shri Niranjana Verma, Advocate for the petitioner that already a compromise has been effected between the parties. He further stated that consequent upon the compromise, so effected between the parties, the petitioner does not want to proceed with his claim, arising out of the reference which has been made to this court by the appropriate government.

Since I am satisfied that a lawful compromise has already been effected between parties, I proceed to record the statement of Sh. Niranjana Verma, Advocate for the petitioner.

Shri V.K.Gupta, AR for the respondent has also admitted the compromise to be correct and acceptable in terms of the statement made by Shri Niranjana verma, Advocate for the petitioner.

The reference, which has been made to this Court, is as under:-

**“Whether termination of the services of Shri Rakesh Kumar S/o Shri Hari Nand R/o Village Anhech, P.O dagshai, Tehsil & District Solan, HP w.e.f. 18.8.2012 who was employed as Mali-cum-Chowkidar by the Employer/Director, Dagshai Public School Cantt, District Solan, HP without complying with the provisions of the industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?”**

Since, in terms of statement of Shri Niranjana verma, Advocate for the petitioner, a compromise/ Settlement has already been effected between the parties, which has also been admitted to be correct and acceptable by Shri V.K.Gupta, AR for the respondent, this reference which has been made to this Court stands disposed of to have been compromise. The statement of Shri Niranjana Verma, Advocate for the petitioner shall form part and parcel of this order/ awards. Let a copy of this order/award be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced

10.03.2015

*Presiding Judge,  
Labour court, Shimla.*



Ref. 14/2014

**SMT MANJU BALA V/S DAGSHAI PUBLIC SCHOOL, SOLAN**

18/3/2015

**Present:-** Sh. Niranjana Verma Adv. for the petitioner.

Sh. V.K.Gupta AR for the respondent.

It has been stated by Shri Niranjana Verma, Advocate for the petitioner that already a compromise has been effected between the parties. He further stated that consequent upon the compromise, so effected between the parties, the petitioner does not want to proceed with his claim, arising out of the reference which has been made to this court by the appropriate government,

Since I am satisfied that a lawful compromise has already been effected between parties, I proceed to record the statement of Sh. Niranjana Verma, Advocate for the petitioner.

Shri V.K. Gupta, AR for the respondent has also admitted the compromise to be correct and acceptable in terms of the statement made by Shri Niranjana Verma, Advocate for the petitioner.

The reference, which has been made to this Court, is as under:-

**“Whether termination of the services of Shri Smt Manju Bala W/o Sh Rakesh Kumar R/o Village Anhech, P.O Dagshai, Tehsil & District Solan, HP w.e.f. 18.8.2012 who was employed as Peon by the Employer/Director, Dagshai Public School Cantt, District Solan, HP without complying with the provisions of the industrial Disputes Act, 1947, is legal and justified ? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?”**

Since, in terms of statement of Shri Niranjana Verma, Advocate for the petitioner, a compromise/ Settlement has already been effected between the parties, which has also been admitted to be correct and acceptable by Shri V.K.Gupta, AR for the respondent, this reference which has been made to this Court stands disposed of to have been compromise. The statement of Shri Niranjana Verma, Advocate for the petitioner shall form part and parcel of this order/ awards. Let a copy of this order/award be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced

10.03.2015

*Presiding Judge,  
Labour court, Shimla.*

**LABOUR AND EMPLOYMENT DEPARTMENT****NOTIFICATION***Shimla, the 10<sup>th</sup> March, 2016*

**No. Sharm (A) 6-3/2014 (Awards).**—In exercise of the powers vested under section 17(1) of the Industrial Disputes Act, 1947, the Governor Himachal Pradesh is pleased to order the publication of awards of the following cases announced by the Presiding Officer, Labour Court Shimla on the website of the Department of Labour & Employment Government of Himachal Pradesh:—

By order,  
Sd/-  
*Pr. Secretary (Lab. & Emp.)*.

Sr. No.	Case No.	Title of the Case	Date of Award
1.	34/2013	Sh. Shyam Singh V/s M/s Allied Nippon Ltd.	29-02-2016
2.	35/2014	Sh. Baldev V/S Registrar Maharishi Markenday University.	17-02-2016
3.	61/2012	Sh. Dev Raj V/s Neck Pharmaceuticals Kasuli.	27-02-2016
4.	07/2014	Sh. Mukesh Kumar V/S M/s Link Utsav Ventures.	29-02-2016
5.	27/2015	Sh. Lalit Kumar V/S Devyani Food Industries.	25-02-2016
6.	11/2014	Sh. Mohit Gautam V/S Link Utsav Ventures.	26-02-2016
7.	21/2014	Sh. Bhagwan Dass V/S Dr. Y.S. Parmar.	29-02-2016

By order,  
Sd/-  
*Pr. Secretary (Lab. & Emp.)*.

**29.2.2016**

**Present:** None for petitioner.

Shri Rupesh Sharma, Advocate for respondent.

Today, this case has been listed for the service of the petitioner. As per report, the notice issued for the service of the petitioner has been received back duly served but he has failed to appear before this Court. The record reveals that on 4.7.2014 the petitioner appeared before this Court in person and thereafter on 4.8.2014, 6.9.2014, 17.11.2014, 8.12.2014 and 17.1.2015, Shri Amit Tanwar, Advocate put in appearance on behalf of the petitioner but he has failed to file any claim petition. Thereafter, on subsequent dates none appeared on behalf of the petitioner and various notices have been issued to him and he has failed to put in appearance before this Court

despite having been duly served for today which shows that the petitioner is not interested to pursue his case. Hence, this Court is left with no other alternative but to decide the reference on the basis of material whichever is available on file and to further adjourn the case would be futile exercise.

In the light of aforesaid facts, it appears that at present the petitioner is not interested to pursue his claim. The following reference qua the miscellaneous demands raised by the petitioner union was received from appropriate government for adjudication:

**“Whether miscellaneous demands raised vide demand notice dated 9.12.2011 (copy enclosed) by Shri Shyam Singh and 42 others co-workers of M/s Allied Nippon Ltd., C/o Shri Om Dutt Sharma President CITU R/o Sheel Cottage, VPO Taksal, Parwanoo District solan, HP to be fulfilled by the Occupier/Factory Manager of the Allied Nippon Ltd., Plot no. 77, Sector-1, Parwanoo District Solan, HP (present address) and no. 1006, Akash Deep Building Barakhamba Road Connaught Place, New Dehli 110001) corporate office) are legal and justified and maintainable? If yes what relief and benefits the above workers are entitled to from the above management/occupier?”**

In the absence of any claim petition and evidence on behalf of petitioner, it cannot be held miscellaneous demands raised vide demand notice dated 9.12.2011 by the petitioner union are legal and justified. Hence, the reference is answered against the petitioner and the award is passed accordingly. However, liberty is granted to the petitioner to agitate the miscellaneous demands raised vide demand notice dated 9.12.2011 by filing an application before this Court in order to revive the reference. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion be consigned to records.

Announced:

29.2.2016.

**(Sushil Kukreja),**  
*Presiding Judge,*  
*Labour Court, Shimla.*

**17.2.2016**

**Present:** Shri Niranjana Verma, Advocate for petitioner.

Shri Mohit Gupta, AR for respondent.

Today, also no claim petition has been filed on behalf of the petitioner. It may be pertinent to mention here that this case is being listed for filing of claim since 22.8.2014 and various opportunities have been afforded to the petitioner to file claim but the same has not been filed. Since, the petitioner has failed to file any claim despite opportunities, hence, this Court is left with no other alternative but to decide the reference on the basis of material whatsoever available on the file. The following reference has been received from the appropriate government for adjudication:

**“Whether transfer of Shri Baldev Singh S/o Shri Mohan Lal R/o Village DharBanar, P.O Bhojnagar, Tehsil & District Solan, HP w.e.f. 18.1.2012 from Maharishi Markandeshwar University Kumarhatti to Maharishi Markandeshwar University, Mulana (Ambala) by the Registrar Maharishi Markandeshwar University, Sultanpur**

**Road, Kumarhatti District Solan, HP during the pendency of proceedings regarding miscellaneous demands notice dated 12.12.2011 without taking expressed permission in writing of the authority before which the proceedings were pending i.e Labour Officer-cum-Conciliation Officer, Solan in violation of the provisions of section 33 of the Industrial Disputes Act, 1947 as well as transferring against the principle of natural justice are legal and justified? If not, what amount of back-wages, seniority, past service benefits and from which date the above worker is entitled to from the above employer?"**

As per reference received from the appropriate government, the petitioner has alleged his transfer from Maharishi Markandeshwar University Kumarhatti to Maharishi Markandeshwar University, Mulana (Ambala) by the Registrar Maharishi Markandeshwar University, Sultanpur Road, Kumarhatti District Solan, HP during the pendency of proceedings regarding miscellaneous demands notice dated 12.12.2011 without taking expressed permission in writing of the authority before which the proceedings were pending i.e Labour Officer-cum- Conciliation Officer, Solan in violation of the provisions of section 33 of the Industrial Disputes Act, 1947 as well as transferring against the principle of natural justice to be illegal and unjustified but the petitioner has failed to file any claim in support thereof. Moreover, the petitioner has also failed to lead any evidence before this Court in order to show that he was illegally transferred from Maharishi Markandeshwar University Kumarhatti to Maharishi Markandeshwar University, Mulana (Ambala) by the Registrar Maharishi Markandeshwar University, Sultanpur Road, Kumarhatti District Solan, HP during the pendency of proceedings regarding miscellaneous demands notice dated 12.12.2011 without taking expressed permission in writing of the authority before which the proceedings were pending i.e Labour Officer-cum- Conciliation Officer, Solan in violation of the provisions of section 33 of the Industrial Disputes Act, 1947 as well as transferring against the principle of natural justice. Hence, in the absence of any claim petition/ evidence on record, the reference is answered against the petitioner. Let a copy of this order/award be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced:  
17.2.2016.

**(Sushil Kukreja),**  
*Presiding Judge*  
*Labour Court, Shimla.*

**27.2.2016.**

**Present:** Shri Niranjana Verma, Advocate for petitioner.

Shri Naresh Sharma, Advocate with Shri Gurpreet Singh, partner of respondent company for respondent.

It has been stated by Shri Gurpreet Singh, Partner of respondent company that he is ready and willing to pay a sum of Rs. 5,000/- each to all the nine petitioners as a full & final settlement of the claim vide reference petition no. 61 of 2012. The said amount will be paid within 45 days from today and if the amount is not paid within the aforesaid period then the same shall carry interest @ 9% per annum from the date of the order and the reference petition be decided accordingly.

The learned counsel for the petitioner stated that he is authorized by the petitioners to enter into a compromise on their behalf with the respondent. He further stated that the statement of Shri Gurpreet Singh is acceptable to all the petitioners and as such the reference be decided accordingly. The statements of S/Shri NiranjnVerma, Advocate and Gurpreet Singh, Partner of respondent's company recorded separately.

In view of the statements of Shri NiranjnVerma, Advocate and Shri Gurpreet Singh, Partner of respondent company, the matter has been amicably settled between the parties before this Court. The respondent is directed to pay a sum of Rs. 5,000/- each to all the nine petitioners within 45 days from today otherwise the same shall carry interest @ 9% per annum from the date of passing of this order till the realization of the aforesaid amount. The reference is ordered to be answered accordingly. The statements of Shri NiranjnVerma, Advocate and Shri Gurpreet Singh, Partner of respondent company shall form part of this order/award. Let a copy of this order/award be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced:  
27.2.2016.

**(Sushil Kukreja),**  
*Presiding Judge,*  
*Labour Court, Shimla.*

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**29.2.2016.**

**Present:** None .

Case called several times but none appeared on behalf of the parties. It is 10:45 AM. Be called again.

**(Sushil Kukreja),**  
*Presiding Judge,*  
*Labour Court, Shimla.*

**Case called again.**

**Present:** None .

It is 12:55 PM. None appeared for the parties. Be called after lunch.

**(Sushil Kukreja),**  
*Presiding Judge,*  
*Labour Court, Shimla.*

**Case called after lunch.**

**Present:** None .

It is 3:15 PM. Case called repeatedly in pre and post lunch sessions but none appeared for the parties. Today, the case has been listed for the service of the petitioner as well as respondents. The record reveals that the notices issued for the services of the petitioner and respondents have been received back duly served as per the postal AD. The petitioner has also failed to appear before this Court despite having been served. Therefore, it is presumed that he is not interested to pursue his case and to file claim petition. The record further reveals that on 2.9.2014 & 24.9.2014, the petitioner had put in his appearance before this Court and thereafter the case was listed for filing of claim but no claim has been filed by him. Thereafter, the petitioner did not appear before this Court and various notices have been issued to him but he has failed to put his appearance despite having been duly served for today, hence, this Court is left with no other alternative but to decide the reference on the basis of material whichever is available on file and to further adjourn the case would be futile exercise.

In the light of aforesaid facts, it appears that at present the petitioner is not interested to pursue his claim. The following reference qua the termination of services of petitioner was received from appropriate government for adjudication:

**“Whether termination of the services of Shri Mukesh Kumar R/o Village Kharsi, Tehsil Kasauli, P.O Badhalag, District Solan, HP during July, 2012 by the employer M/s Link Utsav Private Ltd., Sabzi Mandi Solan, District Solan, HP (present office), M/s Link Utsav Ventures Private Ltd., D-34, Basement Jungpura Extension, New Dehli-110014 (Regd. Office) without complying with the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, what amount of back-wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?”**

In the absence of any claim petition and evidence on behalf of petitioner, it cannot be held that his services were wrongly and illegally terminated by the respondent. Hence, the reference is answered against the petitioner and the award is passed accordingly. However, liberty is granted to the petitioner to agitate his termination of services by filing an application before this Court in order to revive the reference. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion be consigned to records.

Announced:

29.2.2016.

**(Sushil Kukreja),**  
*Presiding Judge,*  
*Labour Court, Shimla.*

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**25.2.2016**

**Present:** None for petitioner.

Shri Rupesh Sharma, Advocate for respondent.

This case is being listed for the service of the petitioner from 8.7.2015 and thereafter as many as six times the notices were issued/sent for the service of the petitioner on the address given by the Labour Commissioner on reference itself. Today, also the case was listed for the service of

petitioner. The report received on notice issued as per order dated 10.11.2015, is revealing that the service of petitioner could not be effected for want of correct address. I have perused the record. The notice to the petitioner was sent on the address given by the Labour Commissioner on the reference itself. In the absence of correct address of the petitioner, it is not possible to effect his service. So, to further adjourn the case would be futile exercise. At the same time it is relevant to mention that the Labour Commissioner has informed the petitioner about the present reference by sending a copy of this reference to him. So, petitioner was having knowledge that the reference was sent to this Court by the Labour Commissioner. Thus, he could have himself appeared before this Court in order to file his claim.

In the light of aforesaid facts, it appears that at present the petitioner is not interested to pursue his claim. The following reference qua the termination of services of petitioner was received from appropriate government for adjudication:

**“Whether termination of the services of Shri Lalit Kumar S/o Shri Jagpal Singh, VPO Majhathipur, Tehsil & District Meruth (U.P) w.e.f. 25.1.2014 by the General Manager, M/s Devyani Food Industries, Village Thana EPIP Phase-II, BAddi, District Solan, HP without complying with the provisions of the Industrial Disputes Act, 1947 as alleged by the workman is legal and justified? If not, to what relief and compensation the above aggrieved workman is entitled to from the above management?”**

In the absence of any claim petition and evidence on behalf of petitioner, it cannot be held that his services were wrongly and illegally terminated by the respondent. Hence, the reference is answered against the petitioner and the award is passed accordingly. However, liberty is granted to the petitioner to agitate his termination of services by filing an application before this Court in order to revive the reference. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion be consigned to records.

Announced:  
25.2.2016.

**(Sushil Kukreja),**  
*Presiding Judge,*  
*Labour Court, Shimla.*

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**26.2.2016**

**Present:** None.

Today the case is listed for the service of the parties. The record reveals that notice issued for the service of respondent has been received back duly served but none appeared on behalf of the respondent, hence, the respondent is proceeded against ex-parte. The record also reveals that on 24.9.2014 and 5.10.2015, the petitioner appeared before this Court in person and thereafter on subsequent dates the petitioner failed to appear before this Court. Thereafter, on various dates the notices have been issued to the petitioner to appear before this Court but the petitioner failed to appear before this Court which clearly shows that he is not interested to pursue his case and to file claim petition.

In the light of aforesaid facts, it appears that at present the petitioner is not interested to pursue his claim. The following reference qua the termination of services of petitioner was received from appropriate government for adjudication:

**“Whether termination of the services of Shri MohitGautam R/o Village Kunihar, P.O Kunihar, Tehsil Arki, District Solanw.e.f. 24.9.2012 by the Employer M/s Link Utsav Venture Pvt. Ltd. SabziMandiSolan, District Solan, HP (present office) M/s Link Utsav Venture Pvt. Ltd., D-34, Basement, Junagpura Extension, New Dehli-110014 (Regd. Office) without without complying with the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, to what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?”**

In the absence of any claim petition and evidence on behalf of petitioner, it cannot be held that his services were wrongly and illegally terminated by the respondents. Hence, the reference is answered against the petitioner and the award is passed accordingly. However, liberty is granted to the petitioner to agitate his termination of services by filing an application before this Court in order to revive the reference. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion be consigned to records.

Announced:

26.2.2016.

**(Sushil Kukreja),**  
Presiding Judge,  
Labour Court, Shimla.

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**IN THE COURT OF SUSHIL KUKREJA, PRESIDING JUDGE, INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, SHIMLA, (H.P).**

Reference No. 21 of 2014.  
Instituted on. 13.2.2014.  
Decided on 29.2.2016.

Bhagwan Dass S/o Late Shri Mathu Ram R.o VPO Kairkoti, Tehsil & District Shimla, HP.

.....Petitioner.

Vs.

1. State of HP through Secretary Education to the Government of Himachal Pradesh HP Secretariat Shimla-2, H.P.
2. Vice Chancellor Dr. Y.S Parmar University Horticulture and Forestry at Nouni, District Solan, H.P.
3. Associate Director (R&F) RH RF- Mashobra, at Shimla H.P.
4. Professor and Head of Department of Silvi Culture and agro Forestry at Dr. Y.S Parmar University Nauni District Solan H.P.
5. Department of Head and Professor Department of tree improvement at Dr. Y.S Parmar University Nauni, District Solan, H.P.



6. Professor Department of Horticulture and Land Scaping Dr. Y.S Parmar University Nauni, District Solan, H.P.
7. Warden Scaping Dr. Y.S Parmar University Nauni, District Solan, H.P.
8. Student Welfare Officer of Dr. Y.S Parmar University Nauni, District Solan, H.P.

.....Respondents.

**Reference under section 10 of the Industrial Disputes Act, 1947.**

**For petitioner :** Shri B.R Kashyap, Advocate.

**For respondent no.1:** Shri H.N Kashyap, ADA.

**For respondent no.2 to 8:** Shri Balwant Singh, Advocate.

***AWARD***

The following reference has been sent by the appropriate government for adjudication:

**“Whether termination of services of Shri Bhagwan Dass S/o Shri Mathu Ram, mess helper R/o Village and P.O Kiarkoti, Tehsil Sunni, District Shimla, HP by (1) Registrar, Dr. Y.S Parmar University of Horticulture and Forestry, Nauni, District Solan, HP (2) Student Welfare Officer, Dr. Y.S Parmar University of Horticulture and Forestry, Nauni, District Solan, HP (under Graduate Hostel) (3) Warden, Dr. Y.S Parmar University of Horticulture and Forestry, Nauni, District Solan, HP (under Graduate Hostel) during November, 2012 orally, without serving any notice, without complying with the provisions of the Industrial Disputes Act, 1947 as alleged by the workman in demand notice is legal and justified? If not, to what back-wages, service benefits and relief the above named Mess Helper is entitled to from the above employers?”**

(2) Briefly, the case of the petitioner is that in the year, 1997, he had joined the services with the respondents in the different departments which is under the control of the Dr. Y.S Parmar University, Nauni District Solan, HP (hereinafter referred to as University). The petitioner had discharged his duties with all sincerity to the entire satisfaction of his superiors till October, 2012 at Solan and thereafter in the month of November, 2012, the services of the petitioner have been terminated without any prior intimation and notice. It is further averred that the petitioner was engaged on the contractual basis vide letter dated 19.6.2003 and a period of three months was further extended vide letter dated 10.3.2003 and similarly the services of the petitioner had been extended in the years, 2004, 2005, 2006 and 2007 and thereafter he continued till October, 2012. It is also averred that the petitioner made various representations to the respondents with a request for the regularization of his services from the date of joining i.e from 1997 as the petitioner joined in the year, 1997 at Mashobra Apple research Centre and thereafter he was sent to University at Nauni. The petitioner is the only earning member in the family and belongs to poor family and has no other source of income. The action on the part of the respondents is illegal, harsh, oppressive and unjust and contrary to the provisions of service jurisprudence. Against this back-drop the petitioner has prayed for his re-instatement in service with seniority from the year 1997, regularization and other service benefits.

(3) The respondents contested the claim of the petitioner by filing reply wherein preliminary objections have been taken that the petitioner had initially worked in the University at a fixed salary of Rs. 1800/- w.e.f. 20.6.2003 to 15.9.2003 as labourer for a fixed tenure on certain terms and conditions under *ad hoc* project NATP NAT -008-51 which was funded by the Government of India and on the completion of the Project, the services of the petitioner stood dispensed with by giving him notice in writing. The petitioner had worked with the different departments of University as a contractual labourer in the different spells, who left the job on his own and the services of the petitioner had been regulated in accordance with the provisions of scheme for the engagement of labourer on contractual basis. Lastly, the petitioner had worked in the Hostel which is being run as co-operative basis as mess servant on outsourced basis @ fixed amount of Rs. 1400/- per month from 2/2004 to 4/2004, 5/2004 to 8/2004 and from 5.6.2007 to 6/2009 in different spells and as such the claim of the petitioner does not fall under the definition of Industrial Disputes Act, 1947 (hereinafter referred to as Act). It is further asserted that the petitioner had not completed 240 days and the respondents University does not fall under the jurisdiction of the Act. On merits, it is denied that the petitioner had worked till October, 2012. However, it is admitted that the petitioner was engaged vide letter dated 18.6.2003 on contractual basis and worked w.e.f. 20.6.2003 to 15.9.2003, under the project which was funded by the Government of India. The petitioner further worked on contractual basis w.e.f. 21.6.2005 to 14.9.2005 in the department of Silviculture and Agroforestry and thereafter w.e.f. Jan., 2006 to March, 2006, Jan., 2007 to March, 2007 and May 2007 to June, 2007 in the department of tree improvement and Genetic Resources in the University. It is also asserted that the representation of the petitioner was sent to Students Welfare Officer which was withdrawn by the petitioner. Since, the petitioner was never engaged with the respondents, hence the question of retrenchment does not arise as the petitioner had worked only for short spell of time. The respondents prayed for the dismissal of the claim petition.

(a) By filing rejoinder, the petitioner reaffirmed his allegation by denying those of the respondents.

(b) Pleadings of the parties give rise to the following issues which were struck on 17.9.2014.

1. Whether the services of the petitioner were terminated during November, 2012 without complying with the provisions of the Industrial Disputes Act, 1947 in illegal and unjustified manner as alleged?

OPP.....

2. If issue no.1 is proved in affirmative, to what service benefits, the petitioner is entitled to and from whom?

OPP.....

3. Whether this petition is not maintainable as alleged in preliminary objections?

OPR.....

4. Relief.

6. Besides having heard the Learned ADA/Counsels for the parties, I, have also gone through the record of the case carefully.

7. For the reasons to be recorded hereinafter while discussing issues for determination, my findings on the aforesaid issues are as under:—

Issue no.1

No.

Issue no.2	Not entitled to any relief.
Issue no.3	No.
Relief.	Reference answered against the petitioner and in favour of the respondents per operative part of award.

### **Reasons for findings**

#### **Issue no.1**

8. The learned counsel for the petitioner contended that the services of the petitioner have been terminated by the respondents without complying with the mandatory provisions of the Act as neither any notice was served upon him nor he was paid compensation. He further contended that the petitioner had completed 240 days in every calendar year and juniors to the him are still working with the respondents and his services have been terminated without any reason and even no opportunity of being heard was afforded to him before terminating his services.

9. On the other hand, learned counsel appearing on behalf of the respondents contended that the petitioner had worked as contractual labourer with the respondents University under different projects in different spells, who had never completed 240 days in any calendar year, hence, the petitioner is not entitled for the protection of sections 25-F, 25-G and 25-H of the Act.

10. To prove his case, the petitioner has examined himself as PW-7 and seven other witnesses as PW-1 to PW-6 and PW-8. PW-1 Shri Liaquat Ali, Senior Assistant has stated that Ex. PW- 1/A and Ex. PW-1/B are the copies of standing instructions dated 5.12.2001 and 14.6.2002 regarding the engagement of the daily waged labourers and the petitioner was engaged as per the standing instructions. The copies of representation of the petitioner are Ex. PW-1/C to Ex. PW-1/E.

11. PW-2 Shri Tilak Raj, Forest Ranger has stated that the petitioner had been engaged vide letter dated 18.6.2005, the copy of which is Ex. PW-2/A. In cross-examination, he admitted that the petitioner had been engaged on contract basis for a specific period of 89 days.

12. PW-3 Dr. V.K Singh, Farm Manager has stated that the petitioner had worked in November, 2003 for 28 days and 31 days in December, 2003 as contractual labour and during the said period he had done the farm related work. In cross-examination, he admitted that the petitioner had worked for two months in their department.

13. PW-4 Shri Papinder Kumar, Clerk has stated that the petitioner was working in the Mess w.e.f. 2007 to 2009. In cross-examination, he admitted that the petitioner had been engaged on outsource basis. He further admitted that the petitioner had only worked for 178 days in the year 2007, 294 days in the year, 2008 and 142 days in the year, 2009. He also admitted that the petitioner was being paid wages after the collection of money from students.

14. PW-5 Shri Tek Chand, Junior Assistant has stated that the Mashobra Regional Research Centre is under the control of the University. In cross-examination, he admitted that the record of Regional Research Centre Mashobra is maintained separately by them and the employees of the aforesaid research Centre are being administered by them.

15. PW-6 Shri Mukesh Chand, Forest Ranger has stated that the petitioner had been engaged by their department vide letter dated 9.1.2006, Ex. PW-6/A and the petitioner had been engaged in their department w.e.f. Jan., 2006 to March, 2006, May & June, 2006 and thereafter again engaged vide letter dated 21.12.2006, the copy of which is Ex. PW-6/B from Jan., 2007 to March, 2007. The petitioner used to do the work of bedding, cutting, watering, sowing and weeding etc. In cross-examination, he admitted that the petitioner had worked against the stop gap arrangement.

16. The petitioner appeared into the witness box as PW-7 and tendered his affidavit Ex. PW-7/A wherein he reiterated almost all the averments as stated in the petition. In cross-examination, he admitted that he worked only for 85 days in Mashobra in the year, 2003 in *Adhoc* project on contract basis. He further admitted that during his working tenure in the University, he was a contractual employee. He also admitted that he had worked in the project and in Hostel's mess as a helper. He admitted that till 2007, he had worked in various projects as labourer on contractual basis. He denied that before his termination, he was served with a termination notice.

17. PW-8 Shri Niranjn Singh, Senior Assistant has stated that the petitioner was engaged as labourer on contractual basis vide letter dated 10.9.2003 and vide letter dated 19.6.2003, Ex. PW-8/B, he was again re-engaged. In cross-examination, he stated that the petitioner had worked only for 85 days in the year, 2003 in their department (Mashobra). He admitted that the petitioner was engaged as contractual employee in *adhoc* project.

18. To rebut the case of the petitioner, the respondents have examined four RWs. RW-1 Shri Niranjn Singh, Senior Assistant has stated that the petitioner was engaged on 20.6.2003 under project and worked till 15.9.2003 as per letter Ex. RW-1/A and thereafter his services were dispensed with after exhausting of the funds for the project. The petitioner was doing the work of plantation etc. The petitioner had also given an undertaking vide Ex. RW-1/B and termination letter Ex. RW-1/C was given to the petitioner. In cross-examination, he denied that the petitioner had worked for four months and the services of the petitioner have been terminated within a period of one month from the date of engagement. He admitted that no notice was issued to the petitioner prior to the termination of his services.

19. RW-2 Shri Tilak Raj, Forest Ranger has stated that vide letter Ex. RW-2/A, he has been authorized to make the statement before this Court. He further stated that the petitioner was engaged on 20.6.2005 by the department of silviculture for a period of 89 days, on contract basis, in the project vide letter Ex. RW-2/B and affidavit Ex. RW-2/C had been given by the petitioner at the time of his engagement. In cross-examination, he admitted that there are different departments working under the university. He admitted that the services of the petitioner were terminated before the completion of the Project and no notice was issued to the petitioner before terminating his services.

20. RW-3 Shri Papinder Kumar, Clerk has stated that vide letter Ex. RW-3/A, the petitioner was engaged in students welfare office on 26.5.2007 and undertaking Ex. RW-3/B had been given by the petitioner at the time of his engagement. He further stated that the petitioner was being paid wages by the students. In cross-examination, he admitted that the petitioner was engaged by the Student Welfare Officer working under the university. He further admitted that no notice was issued to the petitioner before terminating his services but explained that the petitioner had left the job on his own.

21. RW-4 Shri Tejinder Singh, Field Assistant has stated that the petitioner was engaged on 10.1.2006 by the Professor and Head of Department TIGR and worked till 31.3.2006 vide letter Ex. RW-4/A on contract basis under the project. Ex. RW-4/B is the affidavit filed by the petitioner

at the time of his engagement. Thereafter the petitioner was engaged on 1.5.2006 under the same project and worked till 30.6.2006 vide letter Ex. RW-4/C and Ex. RW-4/D is the affidavit filed by the petitioner. Again the petitioner was engaged on contract basis on 1.1.2007 to 31.3.2007 under the same project vide letter Ex. RW-4/E and Ex. RW-4/F is the affidavit filed by the petitioner. In cross-examination, he denied that the petitioner had worked for more than a year under the same project. He admitted that no notices were issued to the petitioner before his each termination.

22. I have closely scrutinized the entire evidence, on record, and from the closer scrutiny thereof it has become clear that the petitioner had worked in the different departments of the University as contractual labourer in different spells. The perusal of the record goes to show that initially the respondents had engaged the petitioner w.e.f. 20.6.2003 under the project and he had worked till 15.9.2003 as per letter Ex. RW-1/A. Thereafter, he was engaged on 20.6.2005 by the department of Silviculture for a period of 89 days on contract basis under the project vide letter Ex. RW-2/B. The petitioner was further engaged on 10.1.2006 by the Professor and Head of TIGR and worked till 31.3.2006 on contract basis under the project vide letter Ex. RW-4/A. Thereafter, he was again engaged on 1.5.2006 under the same project and worked till 30.6.2006 vide letter Ex. RW-4/C. He was also engaged on contract basis w.e.f. 1.1.2007 to 31.3.2007 under the same project vide letter Ex. RW-4/E. Then, the petitioner was further engaged in Student Welfare Office on 26.5.2007 vide letter Ex. RW-3/A on contract basis and he had also given an undertaking Ex. RW-3/B at the time of his engagement.

23. Therefore, from the aforesaid material on record, it is clear that the petitioner had worked with the respondents in different departments as a casual worker on contract basis. This fact has also been categorically admitted by the petitioner in his cross-examination that during his working tenure in the university, he was a contractual employee. He further admitted that till the year 2007, he had worked in various projects as labourer on contractual basis. Hence, from the perusal of the record coupled with the admission of the petitioner, it stands duly proved on record that the services of the petitioner had been engaged by the respondents on contract basis under different departments of the University in the different spells. In 2006 LLR 1233 SC in case titled as Vidya Vardhaka Sangha & Anr. V. Y.D Deshpande & Ors, it has been held that:—

*“The appointment made on probation/ad-hoc basis for a specific period of time comes to an end by efflux of time and the person on such post can have no right to continue on the post. When after having accepted the terms and conditions stipulated in the appointment letter and allowed, the period for which they were appointed has been elapsed by efflux of time, they cannot be permitted to challenge the validity of their termination.*

It was also held in (2006) 6 SCC 221, case titled as Reserve Bank of India V. Gopinath Sharma & Anr. that workman not appointed to any regular post but engaged on the basis of need of work on day to day basis, had no right to the post.

In 2006 (2) SCC 794 in case titled as Haryana State Agricultural Marketing Board V. Subhash Chand & Anr. the Hon’ble Supreme Court has held as under:—

“11. The question as to whether Chapter V-A of the Act will apply or not would be dependent on the issue as to whether an order of retrenchment comes within the purview of Section 2 (oo) (bb) of the Act or not. If the termination of service in view of the exception contained in clauses (bb) of Section 2(oo) of the Act is not a ‘retrenchment’, the question of applicability of Chapter V-A thereof would not arise.

- 12. Central Bank of India Vs. S. Stayam whereupon reliance was placed by Mr. Singh, is itself an authority for the proposition that the definition of 'retrenchment' as contained in the said provision is wide. Once it is held that having regard to the nature of termination of services it would not come within the purview of the said definition, the question of applicability of Section 25-G of the Act does not arise."**

24. In the instant case, admittedly, the petitioner was engaged on contractual basis with the different departments of the university under the different projects in the different spells. Thus, on the basis of the above cited rulings and also having regard to the entire evidence on record, it can safely be concluded that the petitioner had been engaged on contract basis, who was not retrenched within the meaning of section 2(oo) of the Industrial Disputes Act, 1947 and that his case falls within the exception as prescribed under section 2(oo)(bb) of the Act. Consequently, the petitioner fails to prove this issue, to which my answer is in the negative.

**Issue no.2.**

25. Since, the petitioner has failed to prove issue no.1, this issue becomes redundant.

**Issue no.3.**

26. In support of this issue, no evidence was led by the respondent. Moreover, I find nothing wrong with this petition which is perfectly maintainable. Accordingly, issue no.3 is decided in favour of petitioner and against the respondent.

**Relief**

As a sequel to my above discussion and findings on issue no.1 to 3, the claim of the petitioner fails and is hereby dismissed with the result the reference is answered against the petitioner and in favour of respondents. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion, be consigned to records.

Announced in the open Court today on this 29th Day of Feb., 2016.

**(Sushil Kukreja),**  
Presiding Judge,  
Industrial Tribunal-cum-  
Labour Court, Shimla.

**HIGH COURT OF HIMACHAL PRADESH, SHIMLA- 171 001**

**NOTIFICATION**

*Shimla, the 01<sup>st</sup> March, 2016*

**No.HHC/Admn.3(221)/86-II.**—12 days commuted leave on and with effect from 01.02.2016 to 12.02.2016, with permission to prefix Sunday, 1st Batch Winter Vacations and Sunday commencing from 10.01.2016 to 31.01.2016 & suffix second Saturday and Sunday on 13.02.2016 and 14.02.2016, is hereby sanctioned, *ex-post-facto*, in favour of Shri Ravinder Sharma, Court Master of this Registry.

Certified that Shri Ravinder Sharma has joined the same post and at the same station from where he had proceeded on leave after the expiry of the above leave period.

Certified that Shri Ravinder Sharma would have continued to officiate the same post of Court Master but for his proceeding on leave.

By order,  
Sd/-  
Registrar General.

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**HIGH COURT OF HIMACHAL PRADESH, SHIMLA- 171 001**

**NOTIFICATION**

*Shimla, the 03<sup>rd</sup> March, 2016*

**No.HHC/Admn.3(189)/83-II.**—Following kinds of leave are hereby sanctioned, *ex-post-facto*, in favour of Smt. Dinesh Chauhan, Deputy Registrar of this Registry:

1. 09 days earned leave *i.e.* on and with effect from 10.12.2015 to 18.12.2015.
2. 21 days commuted leave on and with effect from 01.01.2016 to 21.01.2016.

Certified that Smt. Dinesh Chauhan has joined the same post and at the same station from where she had proceeded on leave after the expiry of the above leave period.

Certified that Smt. Dinesh Chauhan would have continued to officiate the same post of Deputy Registrar but for her proceeding on leave.

By order,  
Sd/-  
Registrar General.

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**HIGH COURT OF HIMACHAL PRADESH, SHIMLA- 171 001**

**NOTIFICATION**

*Shimla, the 26<sup>th</sup> February, 2015*

**No.HHC/Admn.3(331)/92-I.**—04 days earned on and with effect from 08.03.2016 to 11.03.2016, with permission to prefix Sunday and Gazetted Holiday falling on 06.03.2016 and 07.03.2016 & suffix second Saturday and Sunday falling on 12.03.2016 and 13.03.2016, is hereby sanctioned, in favour of Shri Davinder Chopra, Deputy Registrar of this Registry.

Certified that Shri Davinder Chopra is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above leave period.

Certified that Shri Davinder Chopra would have continued to officiate the same post of Deputy Registrar but for his proceeding on leave.

By order,  
Sd/-  
Registrar General.

## HIGH COURT OF HIMACHAL PRADESH, SHIMLA- 171 001

### NOTIFICATION

*Shimla, the 29<sup>th</sup> February, 2016*

**No.HHC/Estt.3(567)/2005.**—03 days commuted leave on and with effect from 18.02.2016 to 20.02.2016, with permission to suffix Sunday on 21.02.2016, is hereby sanctioned, *ex-post-facto*, in favour of Smt. Urmila Gosain, Court Master of this Registry.

Certified that Smt. Urmila Gosain has joined the same post and at the same station from where she had proceeded on leave after the expiry of the above leave period.

Certified that Smt. Urmila Gosain would have continued to officiate the same post of Court Master but for her proceeding on leave.

By order,  
Sd/-  
Registrar General.

राजस्व विभाग अनुभाग—घ

अधिसूचना

शिमला—2, 4 मार्च, 2016

**संख्या: राजस्व—डी0—(एफ)4—1 / 2016.**—हिमाचल प्रदेश भू-अभिलेख नियमावली, 1992 के पैरा 3.17 एवम पैरा 3.18 में वर्णित/निर्दिष्ट प्रावधानों/मानकों में छूट देते हुए राज्यपाल, हिमाचल प्रदेश, उप-तहसील देहा जिला शिमला के पटवार वृत बलधार के चार मुहालों तथा घुण्ड के एक मुहाल का विघटन करते हुए एक नये पटवार वृत तिहाना, उप-तह0 देहा, जिला शिमला में सम्बन्धित मुहालों की सूचि सहित अनुबन्ध "क" के अनुसार सृजित करने के सहर्ष आदेश देते हैं ।

आदेश द्वारा,  
तरुण श्रीधर,  
अति0 मुख्य सचिव एवम वित्तायुक्त (राजस्व)।



## अनुबन्ध "अ"

वर्तमान में पटवार वृत्त बलधार, उप तहसील देहा में कुल मौजा की संख्या:

क्रम संख्या:	नाम पटवार वृत्त	कुल रकबा है० में	कुल खसरा नम्बर	कुल खाता नम्बर	कुल खतौनी नम्बर	विवरण
1.	बलधार	192	647	69	112	
2.	कटियाणा प्रथम	48	262	26	44	
3.	कटियाणा द्वितीय	80	766	29	57	
4.	कटियाणा तृतीय	81	294	50	66	
5.	पडगैया	102	689	58	136	
6.	मिहाणा	155	1021	167	165	
7.	तिहाणा	107	475	64	105	
8.	थानाधार	84	429	56	90	
9.	करगोली	111	778	86	150	
		<b>960</b>	<b>5361</b>	<b>505</b>	<b>925</b>	

## अनुबन्ध "ब"

प्रस्तावना उपरान्त पटवार वृत्त बलधार, उप तहसील देहा में कुल मौजा की संख्या:

क्रम संख्या:	नाम पटवार वृत्त	कुल रकबा है० में	कुल खसरा नम्बर	कुल खाता नम्बर	कुल खतौनी नम्बर	विवरण
1.	बलधार	192	647	69	112	
2.	कटियाणा प्रथम	48	262	26	44	
3.	कटियाणा द्वितीय	80	766	29	57	
4.	कटियाणा तृतीय	81	294	50	66	
5.	करगोली	111	778	86	150	
		<b>532</b>	<b>2747</b>	<b>260</b>	<b>419</b>	

## अनुबन्ध "ज"

वर्तमान में प्रस्तावित पटवार वृत्त तिहाणा, उप तहसील देहा में कुल मौजा की संख्या:

क्रम संख्या:	नाम पटवार वृत्त	कुल रकबा है० में	कुल खसरा नम्बर	कुल खाता नम्बर	कुल खतौनी नम्बर	विवरण
1.	पडगैया	102	689	58	136	
2.	मिहाणा	155	1021	167	165	
3.	तिहाणा	107	474	64	105	
4.	थानाधार	84	429	56	90	
5.	बनाडी	131	351	57	102	
		<b>579</b>	<b>2965</b>	<b>402</b>	<b>598</b>	

## अनुबन्ध "स"

वर्तमान में पटवार वृत्त घुण्ड, उप तहसील देहा में कुल मौजा की संख्या

क्रम संख्या:	नाम पटवार वृत्त	कुल रकवा है० में	कुल खसरा नम्बर	कुल खाता नम्बर	कुल खतौनी नम्बर	विवरण
1.	घुण्ड	250	1648	141	312	
2.	डी०पी०एफ० घुण्ड	293	100	23	143	
3.	पालवी	191	1358	103	278	
4.	गडैडी	115	680	58	143	
5.	टिक्कर	192	1031	53	141	
6.	बनाडी	131	351	57	100	
		<b>1172</b>	<b>5168</b>	<b>435</b>	<b>1117</b>	

## अनुबन्ध "ह"

प्रस्तावना उपरान्त पटवार वृत्त घुण्ड, उप तहसील देहा में कुल मौजा की संख्या

क्रम संख्या	नाम पटवार वृत्त	कुल रकवा है० में	कुल खसरा नम्बर	कुल खाता नम्बर	कुल खतौनी नम्बर	विवरण
1.	घुण्ड	250	1648	141	321	
2.	डी०पी०एफ० घुण्ड	293	100	23	143	
3.	पालवी	191	1358	103	278	
4.	गडैडी	115	680	58	143	
5.	टिक्कर	192	1031	53	141	
		<b>1041</b>	<b>4817</b>	<b>378</b>	<b>1017</b>	

## MEDICAL EDUCATION DEPARTMENT

## NOTIFICATION

*Shimla-2, the 11<sup>th</sup> March, 2016.*

**NO. HFW-B(B)1-5/2015.**—In order to establish multi-disciplinary context in teaching and practice in public health in the State and to provide efficacious health services and effectively meet the public health need of patients and to evaluate the National Health Programmes in the State with a view to provide maximum benefits to the general population, the Governor, Himachal Pradesh is pleased to order the creation of a School of Public Health in the Dr. Rajinder Parsad Government Medical College, Tanda, District- Kangra, Himachal Pradesh with the following objectives and measurable indicators:—

### ❖ Objectives of the Scheme:

Establishing the School of Public Health in Himachal Pradesh aims to improve the public health capacity of the state, northern region and even the entire country. It shall be achieving its aim while focusing on specific objectives;

- To provide efficient consultancy services to State health services on public health matters.
- To act as the center for evaluation and training of National Health Programmes/ schemes being undertaken by the Government of Himachal Pradesh.
- To develop teaching/ training material for medical professional involved in implementation of National Health Programmes/ schemes.
- To provide inputs to the State Government in identifying priority healthy care areas for its people.
- To help establish models of Health Care Delivery using available resources within already existing health care set up of the state.
- To identify sustainable health care delivery points in terms of manpower and resource e.g. identify the role of AYUSH and other practitioners in current system of health care delivery.
- To initiate the teaching programmes such as Master in Public Health (MPH), Diploma in Public Health (DPH) and Doctor of Philosophy (PhD) in public health.
- To start short term training courses in various fields of public health for candidates working in state health care delivery system (in-service).
- To carry out research by setting up model public health projects keeping in view national health policy guidelines and vision of health for all in 21st century.

### ❖ Measurable Indicators of the Scheme:

- Participation in public health policy planning, project implementation plan (PIP) for health, capacity building of health care professionals in the primary health care system and monitoring & evaluation of national health programs in the state, region and country.
- Number of teaching/ training modules/ protocols developed.
- Number of programmes/ schemes evaluated.
- Number of recommendations made to national programmes/ schemes at implementation level.
- Number of Public Health Professionals with MPH in a year (Expected 11 in a year).
- Number of Public Health Professionals with DPH in a year (Expected 11 in a year).
- Number of Public Health Professionals with PhD in a year (Expected one in a year).

- Number of research projects raised by monetary assistance from state, national, and international research organizations.
- Number of research publications in international and national journals with an impact factor.

2. The Governor, Himachal Pradesh is also pleased to order that no separate posts would for the present be created for the School of Public Health.

3. The Governor, Himachal Pradesh, is further pleased to order that the Regional Health and Family Welfare Training Centre, Chebb, District- Kangra shall be taken over by the Dr. RPGMC, Tanda to establish the School of Public Health. The School of Public Health will function under the department of Community Medicine, Dr. RPGMC, Tanda, District- Himachal Pradesh.

4. The Governor, Himachal Pradesh is further pleased to order that the Principal, Dr. RPGMC, Tanda will immediately operationalise the School of Public Health through internalization.

By order,

Sd/-

*Additional Chief Secretary (Health).*

ब अदालत नायब तहसीलदार एवम् कार्यकारी दण्डाधिकारी, शाहपुर, जिला कांगड़ा (हि0 प्र0)

श्रीमती दर्शना देवी पत्नी श्री राज कुमार, गांव व डाकघर दुरगेला, तहसील शाहपुर, जिला कांगड़ा, (हि0 प्र0) प्रार्थिया

बनाम

आम जनता

विषय.—प्रार्थना—पत्र जेर धारा 13(3) जन्म एवम् मृत्यु पंजीकरण अधिनियम, 1969 बारे।

राजपत्र इश्तहार बारे।

श्रीमती दर्शना देवी पत्नी श्री राज कुमार, गांव व डाकघर दुरगेला, तहसील शाहपुर, जिला कांगड़ा, (हि0 प्र0) ने इस अदालत में प्रार्थना पत्र मय व्यान हल्फी गुजारा है कि मेरे लडके अभिषेक का जन्म 11-5-1995 को हुआ है। लेकिन ग्राम पंचायत के रिकार्ड रजिस्टर में दर्ज न हुआ है।

अतः इस राजपत्र इश्तहार द्वारा आम जनता को सूचित किया जाता है कि यदि इस बारे किसी भी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 29-03-2016 को प्रातः 10.00 बजे अदालत में हाजिर होकर अपना एतराज पेश कर सकता है। कोई एतराज पेश न होने की सूरत में जन्म तिथि पंजीकृत करने के आदेश कर दिये जाएंगे।

आज दिनांक 15-02-2016 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित /—

कार्यकारी दण्डाधिकारी,  
शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश।

ब अदालत सहायक समाहर्ता द्वितीय श्रेणी, शाहपुर, जिला कांगड़ा (हि0 प्र0)

श्री राजीव सिंह पुत्र श्री अनजीन सिंह, निवासी गांव वैहकारी, डाकघर रजोल, तहसील शाहपुर, जिला कांगड़ा (हि0 प्र0) प्रार्थी

बनाम

आम जनता

विषय.—कागजात माल में नाम की दुरुस्ती हि0 प्र0 भू—राजस्व अधिनियम, 1954 जेरधारा 37(2) के अन्तर्गत करने बारे।

राजपत्र इश्तहार बारे।

श्री राजीव सिंह पुत्र श्री अनजीन सिंह, निवासी गांव वैहकारी, डाकघर रजोल, तहसील शाहपुर ने इस अदालत में शपथ पत्र सहित आवेदन पत्र गुजारा है कि उसका नाम राजीव सिंह है। परन्तु महाल वैहकारी में अजीत सिंह व मुहाल अम्बाडी में अजीव सिंह दर्ज है, जो कि गलत है। दुरुस्ती की जावे।

अतः इस राजपत्र इश्तहार द्वारा आम जनता को सूचित किया जाता है कि राजस्व अभिलेख में सही नाम दुरुस्त करने बारे यदि किसी भी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 29-03-2016 को प्रातः 10.00 बजे मौखिक या लिखित रूप में पेश कर सकता है। यदि उपरोक्त नाम दुरुस्ती का एतराज पेश न हुआ तो नियमानुसार राजस्व अभिलेख में कार्यवाही अमल में लाई जाएगी।

मोहर।

हस्ताक्षरित/—  
सहायक समाहर्ता द्वितीय श्रेणी,  
शाहपुर, जिला कांगड़ा (हि0 प्र0)।

ब अदालत सहायक समाहर्ता द्वितीय श्रेणी, शाहपुर, जिला कांगड़ा (हि0 प्र0)

श्री विनोद सिंह पुत्र श्री गणेश राम, निवासी गांव भनाला, तहसील शाहपुर, जिला कांगड़ा (हि0 प्र0) प्रार्थी

बनाम

आम जनता

विषय.—कागजात माल में नाम की दुरुस्ती हि0 प्र0 भू—राजस्व अधिनियम, 1954 जेरधारा 37(2) के अन्तर्गत करने बारे।

राजपत्र इश्तहार बारे।

श्री विनोद सिंह पुत्र श्री गणेश राम, निवासी गांव भनाला, तहसील शाहपुर ने इस अदालत में शपथ पत्र सहित आवेदन पत्र गुजारा है कि उसका सही नाम विनोद सिंह है। परन्तु राजस्व अभिलेख महाल क्यारी व नाहलन में बलदेव सिंह दर्ज है, जो कि गलत है। दुरुस्ती की जावे।

अतः इस राजपत्र इश्तहार द्वारा आम जनता को सूचित किया जाता है कि राजस्व अभिलेख में सही नाम दुरुस्त करने बारे यदि किसी भी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 29-03-2016 को

प्रातः 10.00 बजे मौखिक या लिखित रूप में पेश कर सकता है। यदि उपरोक्त नाम दुरुस्ती का एतराज पेश न हुआ तो नियमानुसार राजस्व अभिलेख में कार्यवाही अमल में लाई जाएगी।

आज दिनांक 10-02-2016 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर अदालत।

हस्ताक्षरित/—  
सहायक समाहर्ता द्वितीय श्रेणी,  
शाहपुर, जिला कांगड़ा (हि0 प्र0)।

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ब अदालत नायब तहसीलदार एवम् कार्यकारी दण्डाधिकारी, शाहपुर, जिला कांगड़ा (हि0 प्र0)

श्रीमती केसरी देवी पत्नी स्व0 श्री कृष्ण चन्द, निवासी गांव सिहोलपुरी, डाकघर शाहपुर, तहसील शाहपुर, जिला कांगड़ा (हि0 प्र0) प्रार्थिया।

बनाम

आम जनता

विषय.—प्रार्थना—पत्र जेर धारा 13(3) जन्म एवम् मृत्यु पंजीकरण अधिनियम, 1969 बारे।

श्रीमती केसरी देवी पत्नी स्व0 श्री कृष्ण चन्द, निवासी गांव सिहोलपुरी, डाकघर शाहपुर, तहसील शाहपुर, जिला कांगड़ा (हि0 प्र0) ने इस अदालत में प्रार्थना पत्र मय व्यान हल्फी गुजारा है कि मेरी सास श्रीमती धर्मी देवी पत्नी श्री सेसरी दत्त की मृत्यु दिनांक 20-06-1979 को हुई थी। लेकिन ग्राम पंचायत के रिकार्ड रजिस्टर में दर्ज न हुई है।

अतः इस राजपत्र इश्तहार द्वारा आम जनता को सूचित किया जाता है कि यदि इस बारे किसी भी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 29-03-2016 को प्रातः 10.00 बजे अदालत में हाजिर होकर अपना एतराज पेश कर सकता है। कोई एतराज पेश न होने की सूरत में मृत्यु तिथि पंजीकृत करने के आदेश पारित कर दिये जाएंगे।

आज दिनांक 15-02-2016 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—  
कार्यकारी दण्डाधिकारी,  
शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश।

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ब अदालत श्री अनिल चौहान, उप-मण्डलाधिकारी (ना0) चौपाल, तहसील चौपाल, जिला शिमला (हि0 प्र0)

श्री राकेश कुमार पुत्र श्री लायक राम, गांव मानगढ़, डाकघर बगाड़, तहसील चौपाल, जिला शिमला (हि0 प्र0) वादी।

बनाम

(1) आम जनता

(2) प्रधान, ग्राम पंचायत किरण, तहसील चौपाल

प्रतिवादी।

विषय.—प्रार्थी श्री राकेश कुमार का नाम व जन्म तिथि ग्राम पंचायत किरण के जन्म पंजीकरण रजिस्टर में दर्ज करने हेतु। की अधीन धारा 13(3) जन्म पंजीकरण अधिनियम, 1969 के अन्तर्गत।

इशतहार

हर खास व आम जनता को बजरिया इशतहार सूचित किया जाता है कि वादी श्री राकेश कुमार ने अधोहस्ताक्षरी के न्यायालय में एक आवेदन प्रस्तुत किया है कि उसने अपना नाम व जन्म तिथि ग्राम पंचायत किरण में दर्ज नहीं करवा रखा है अब वादी अपना नाम व जन्म तिथि ग्राम पंचायत किरण के जन्म पंजीकरण रजिस्टर में दर्ज करवाना चाहता है जो कि इस प्रकार से है:-

नाम	पुत्र	जन्म तिथि
राकेश कुमार	लायक राम	30-06-1992

इसलिए ग्राम पंचायत किरण, तहसील चौपाल की जनता को बजरिया इशतहार सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त जन्म पंजीकरण बारे कोई आपत्ति हो तो वह दिनांक 28-03-2016 को या इससे पूर्व असालतन या वकालत हाजिर अदालत आकर अपनी आपत्ति प्रस्तुत करें अन्यथा आवेदन-पत्र पर जन्म पंजीकरण आदेश पारित करके आगामी कार्यवाही हेतु सचिव ग्राम पंचायत किरण को भेज दिया जायेगा।

आज दिनांक 27-02-2016 को मेरे हस्ताक्षर व मोहर सहित अदालत से जारी किया गया।

मोहर।

अनिल चौहान,  
उप-मण्डलाधिकारी (ना0),  
चौपाल, जिला शिमला।

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ब अदालत श्री अनिल चौहान, उप-मण्डलाधिकारी (ना0) चौपाल, तहसील चौपाल,  
जिला शिमला (हि0 प्र0)

श्री रोशन लाल पुत्र श्री सोहन सिंह, गांव बटेवडी, परगना पिंडग्रा, डाकघर केदी, तहसील चौपाल,  
जिला शिमला (हि0 प्र0) वादी।

बनाम

(1) आम जनता

(2) प्रधान, ग्राम पंचायत केदी, तहसील चौपाल।

प्रतिवादी।

विषय.—वादी श्री रोशन लाल के पुत्र का नाम व जन्म तिथि ग्राम पंचायत केदी के जन्म पंजीकरण रजिस्टर में दर्ज करवाये जाने बारे, की अधीन धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत।

इशतहार

हर खास व आम जनता को बजरिया इशतहार सूचित किया जाता है कि वादी श्री रोशन लाल ने अधोहस्ताक्षरी के न्यायालय में एक आवेदन प्रस्तुत किया है कि मेरे बेटे का नाम व जन्म तिथि ग्राम पंचायत केदी के जन्म पंजीकरण रजिस्टर में दर्ज नहीं है। अब वादी अपने बेटे का नाम व जन्म तिथि पंचायत केदी में दर्ज करवाना चाहता है जो कि निम्न प्रकार से है:-

नाम	सम्बन्ध	जन्म तिथि
संदीप कुमार	पुत्र	25-03-1990

इसलिए ग्राम पंचायत केदी, तहसील चौपाल की जनता को बजरिया इशतहार सूचित किया जाता है कि किसी व्यक्ति को उपरोक्त जन्म पंजीकरण बारे कोई आपत्ति हो तो दिनांक 28-03-2016 को या इससे

पूर्व असालतन या वकालतन हाजिर अदालत आकर अपनी आपत्ति प्रस्तुत करें अन्यथा आवेदन-पत्र पर जन्म पंजीकरण आदेश पारित करके सचिव, ग्राम पंचायत केदी को आगामी कार्यवाही हेतु भेज दिया जायेगा।

आज दिनांक 27-02-2016 को मेरे हस्ताक्षर व मोहर सहित अदालत से जारी किया गया।

मोहर।

अनिल चौहान,  
उप-मण्डलाधिकारी (ना0),  
चौपाल, जिला शिमला।

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**In the Court of Shri Gian Sagar Negi, Sub-Divisional Magistrate, Shimla (R),  
District Shimla (H. P.)**

Shri Rikhu Ram s/o Shri Thakru Dass, r/o Village Ghishan Khad, Kiar Koti, P. O. Kiar Koti, Tehsil & District Shimla, Himachal Pradesh.

*Versus*

General Public

.. Respondent.

Whereas Shri Rikhu Ram s/o Shri Thakru Dass, r/o Village Ghishan Khad, Kiar Koti, P. O. Kiar Koti, Tehsil & District Shimla, Himachal Pradesh has filed an application along with affidavit in the court of undersigned under Section 13(3) of the Births & Deaths Registration Act, 1969 to enter date of birth of his son named—Mr. Piyush s/o Shri Rikhu Ram s/o Shri Thakru Dass, r/o Village Ghishan Khad, Kiar Koti, P. O. Kiar Koti, Tehsil & District Shimla, Himachal Pradesh in the record of Secy., Birth and Death, Municipal Corporation, Shimla.

Sl. No.	Name of the family members	Relation	Date of birth
1.	Mr. Piyush	Son	20-02-2011

Hence, this proclamation is issued to the general public if they have any objection/claim regarding entry of the date of birth of above named in the record of Municipal Corporation, Shimla may file their claims/objections on or before one month of publication of this notice in Govt. Gazette in this court, failing which necessary orders will be passed.

Issued today 10-03-2016 under my signature and seal of the court.

Seal.

Sd/-  
Sub-Divisional Magistrate,  
Shimla (R), District Shimla.



**In the Court of Shri Gian Sagar Negi, Sub-Divisional Magistrate, Shimla (R),  
District Shimla (H. P.)**

Smt. Meena Kumari d/o Shri Geeta Ram, r/o Village Patti, P.O. Rajahana, Tehsil & District Shimla, Himachal Pradesh.

*Versus*

General Public

.. Respondent.

Whereas Smt. Meena Kumari d/o Shri Geeta Ram, r/o Village Patti, P.O. Rajahana, Tehsil & District Shimla, Himachal Pradesh has filed an application along with affidavit in the court of undersigned under Section 13(3) of the Births & Deaths Registration Act, 1969 to enter date of birth of her daughter named—Ms. Tejasvini d/o Smt. Meena Kumari d/o Shri Geeta Ram, r/o Village Patti, P.O. Rajahana, Tehsil & District Shimla, Himachal Pradesh in the record of Secy., Birth and Death, Gram Panchayat Rajahana, Shimla.

Sl. No.	Name of the family members	Relation	Date of birth
1.	Ms. Tejasvini	Daughter	16-12-2013

Hence, this proclamation is issued to the general public if they have any objection/claim regarding entry of the name & date of birth of above named in the record of Gram Panchayat Rajahana, Shimla may file their claims/objections on or before one month of publication of this notice in Govt. Gazette in this court, failing which necessary orders will be passed.

Issued today 11-03-2016 under my signature and seal of the court.

Seal.

Sd/-

*Sub-Divisional Magistrate,  
Shimla (R), District Shimla.*

**Before the court of Marriage Officer (S.D.M.) Paonta Sahib,  
District Sirmaur, H. P.**

**NOTICE UNDER SECTION 16 OF SPECIAL MARRIAGE ACT**

Whereas Shri Trilochan Singh s/o Shri Gurdyal Singh, r/o House No. 127/3, Ward No. 3, Rajban Road, Taruwala, District Sirmaur (H.P.) and Kanwaldeep Kaur d/o Shri Balkar Singh, r/o House No. 89/11 Gulab Colony, Taraori, District Karnal (HR.) have filed an application for the registration of their marriage, which was solemnized on 13-04-2009 and they have living as husband and wife ever since then.

Notices are given to all concerned and General Public to this effect that if any body has got any objection regarding the registration of marriage duly solemnized between above said Shri Trilochan Singh s/o Shri Gurdyal Singh, r/o House No. 127/3, Ward No. 3, Rajban Road, Taruwala, District Sirmaur (H.P.) and Kanwaldeep Kaur d/o Shri Balkar Singh, r/o House No. 89/11 Gulab Colony, Taraori, District Karnal (HR.) they should file their written objections and should appear

personally or through their authorized agents before me within the period of thirty days from the date of issue of this notices. After expiry of the said period, the marriage certificate would be issued to the applicant by this court and later on no objection will be heard and accepted.

Seal.

Sd/-  
*Marriage Officer (S.D.M.),  
Paonta Sahib, H.P..*

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**In the court of Shri H. S. Rana, H.A.S. Marriage Officer (SDM) Paonta Sahib,  
District Sirmaur, Himachal Pradesh**

**NOTICE UNDER SECTION 16 OF SPECIAL MARRIAGE ACT, 1954**

In the matter of

Shri Balbir Singh s/o Shri Mahinder Singh, r/o Village Amargarh Puruwala, Tehsil Paonta Sahib, District Sirmaur, H.P. and Smt. Manju d/o Shri Sohan Singh, r/o Village Amargarh Puruwala, Tehsil Paonta Sahib, District Sirmaur HP.

*Versus*

General Public

Whereas Shri Balbir Singh s/o Shri Mahinder Singh, r/o Village Amargarh Puruwala, Tehsil Paonta Sahib, District Sirmaur, H.P. and Smt. Manju d/o Shri Sohan Singh, r/o Village Amargarh Puruwala, Tehsil Paonta Sahib, District Sirmaur, H.P. have filed an application for registration of their marriage solemnized on 04-01-2016 they have been living as husband and wife ever since then. Notices are given to all concerned and General Public to this effect that if anybody has any objection regarding the registration of marriage duly solemnized on 04-01-2016 Shri Balbir Singh s/o Shri Mahinder Singh, r/o Village Amargarh Puruwala, Tehsil Paonta Sahib, District Sirmaur, H.P. and Smt. Manju d/o Shri Sohan Singh, r/o Village Amargarh Puruwala, Tehsil Paonta Sahib, District Sirmaur HP. he should file written objections and appear personally before this court within 30 days from the date of issue of this notice. After expiry of the said period, the marriage certificate would be issued to the applicants by this court. Issued under my hand and office seal on dated 03-03-2016.

Seal.

(HARI SINGH RANA) HAS,  
*Marriage Officer-cum-Sub-Divisional Magistrate,  
Paonta Sahib, District Sirmaur.*

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**In the court of Shri H. S. Rana, H.A.S. Marriage Officer (SDM) Paonta Sahib,  
District Sirmaur, Himachal Pradesh**

**NOTICE UNDER SECTION 16 OF SPECIAL MARRIAGE ACT, 1954**

In the matter of

Shri Dharendra Singh s/o Shri Nar Bahadur, r/o Village Bias, P.O. Kotri Bias, Tehsil Paonta Sahib, District Sirmaur, H.P. and Smt. Jolly Bam d/o Shri Sirmour Singh Bam, r/o Jamniwala Road, Village Kotri Bias, Tehsil Paonta Sahib, District Sirmaur, H.P.

*Versus*

General Public

Whereas Shri Dhirendra Singh s/o Shri Nar Bahadur, r/o Village Bias, P.O. Kotri Bias, Tehsil Paonta Sahib, District Sirmaur, H.P. and Smt. Jully Bam d/o Shri Sirmour Singh Bam, r/o Jamniwala Road, Village Kotri Bias, Tehsil Paonta Sahib, District Sirmaur, H.P. have filed an application for registration of their marriage solemnized on 11-03-2012 and they have been living as husband and wife ever since then. Notices are given to all concerned and General Public to this effect that if anybody has any objection regarding the registration of marriage duly solemnized on 11-03-2012 Shri Dhirendra Singh s/o Shri Nar Bahadur, r/o Village Bias, P.O. Kotri Bias, Tehsil Paonta Sahib, District Sirmaur, H.P. and Smt. Jully Bam d/o Shri Sirmour Singh Bam, r/o Jamniwala Road, Village Kotri Bias, Tehsil Paonta Sahib, District Sirmaur, H.P. he should file written objections and appear personally before this court within 30 days from the date of issue of this notice. After expiry of the said period, the marriage certificate would be issued to the applicants by this court. Issued under my hand and office seal on dated 03-03-2016.

Seal.

(HARI SINGH RANA) HAS,  
*Marriage Officer-cum-Sub-Divisional Magistrate,  
 Paonta Sahib, District Sirmaur.*

**In the court of Shri H. S. Rana, H.A.S. Marriage Officer (SDM) Paonta Sahib,  
 District Sirmaur, Himachal Pradesh**

NOTICE UNDER SECTION 16 OF SPECIAL MARRIAGE ACT, 1954

In the matter of

Shri Nitesh Kumar s/o Shri Rattan Lal, r/o Village Kanfara, Tehsil Naina, District Bilaspur, H.P., presently Badripur, Tehsil Paonta Sahib, District Sirmaur H.P. and Smt. Mamta Devi d/o Shri Ram Sarup, r/o VPO Chandiani Khurad, Tehsil Balachasaur, District SBS Nagar Panjab.

*Versus*

General Public

Whereas Shri Nitesh Kumar s/o Shri Rattan Lal, r/o Village Kanfara, Tehsil Naina, District Bilaspur, H.P., presently Badripur, Tehsil Paonta Sahib, District Sirmaur H.P. and Smt. Mamta Devi d/o Shri Ram Sarup, r/o VPO Chandiani Khurad, Tehsil Balachasaur, District SBS Nagar Panjab have filed an application for registration of their marriage solemnized on 29-01-2016 and they have been living as husband and wife ever since then. Notices are given to all concerned and General Public to this effect that if anybody has any objection regarding the registration of marriage duly solemnized on 29-01-2016 Shri Nitesh Kumar s/o Shri Rattan Lal, r/o Village Kanfara, Tehsil Naina, District Bilaspur, H.P., presently Badripur, Tehsil Paonta Sahib, District Sirmaur H.P. and Smt. Mamta Devi d/o Ram Sarup, r/o VPO Chandiani Khurad, Tehsil Balachasaur, District SBS Nagar Panjab he should file written objections and appear personally before this court within 30 days from the date of issue of this notice. After expiry of the said period, the marriage certificate would be issued to the applicants by this court. Issued under my hand and office seal on dated 03-03-2016.

Seal.

HARI SINGH RANA (HAS),  
*Marriage Officer-cum-Sub-Divisional Magistrate,  
 Paonta Sahib, District Sirmaur.*

**अदालती इशतहार**

ब अदालत श्री हिरा सिंह सिमर कार्यकारी दण्डाधिकारी, उप-तहसील नौहरा

श्री लाल पुत्र श्री राम बहादूर, निवासी नौहराधार, उप तहसील नौहरा, जिला सिरमौर, हि0 प्र0

बनाम

आम जनता

उपरोक्त प्रार्थना पत्र श्री लाल पुत्र श्री राम बहादूर, निवासी नौहराधार, उप तहसील नौहरा, जिला सिरमौर, हि0 प्र0 ने अधीन धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत प्रस्तुत करके प्रार्थना की है कि उनके तीन पुत्र सुरेश, विरेन्द्र सिंह व सुनिल कुमार जिनकी जन्म तिथियां क्रमशः 16-08-1987, 17-05-1990 व 08-01-1993 है का नाम ग्राम पंचायत नौहराधार के रिकार्ड में दर्ज नहीं करवाया गया है। जिसे प्रार्थी अब दर्ज करवाना चाहता है।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि इस सम्बन्ध में यदि किसी व्यक्ति को उजर या एतराज हो तो वह स्वयं अथवा अपने प्रतिनिधि द्वारा मिति 11-04-2016 को सुबह दस बजे इस अदालत में उपस्थित आ कर प्रस्तुत करें बसूरत दीगर श्री सुरेश, विरेन्द्र सिंह व सुनिल कुमार का नाम एवं जन्म तिथि को दर्ज करने के आदेश जारी कर दिये जायेंगे।

आज दिनांक 02-03-2016 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित /—  
कार्यकारी दण्डाधिकारी,  
उप-तहसील नौहरा, जिला सिरमौर, हि0 प्र0।

**अदालती इशतहार**

ब अदालत श्री हिरा सिंह सिमर कार्यकारी दण्डाधिकारी, उप-तहसील नौहरा

श्री हरी बहादूर पुत्र श्री विकू लाल, निवासी नौहराधार, उप तहसील नौहरा, जिला सिरमौर, हि0 प्र0

बनाम

आम जनता

उपरोक्त प्रार्थना पत्र श्री हरी बहादूर पुत्र श्री विकू लाल, निवासी नौहराधार, उप तहसील नौहरा, जिला सिरमौर, हि0 प्र0 ने अधीन धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत प्रस्तुत करके प्रार्थना की है कि उनके 2 पुत्र अनिल कुमार व अजय कुमार जिनकी जन्म तिथियां क्रमशः 03-11-1999 व 18-10-1997 है का नाम ग्राम पंचायत नौहराधार के रिकार्ड में दर्ज नहीं करवाया गया है। जिसे प्रार्थी अब दर्ज करवाना चाहता है।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि इस सम्बन्ध में यदि किसी व्यक्ति को उजर या एतराज हो तो वह स्वयं अथवा अपने प्रतिनिधि द्वारा मिति 11-04-2016 को सुबह दस बजे इस

अदालत में उपस्थित आ कर प्रस्तुत करें बसूरत दीगर श्री अनिल कुमार व अजय कुमार का नाम एवं जन्म तिथि को दर्ज करने के आदेश जारी कर दिये जायेंगे।

आज दिनांक 02-03-2016 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—  
कार्यकारी दण्डाधिकारी,  
उप-तहसील नौहरा, जिला सिरमौर, हि० प्र०।

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**CHANGE OF NAME**

I, Sharda Devi w/o Ex-Service No. 606189 SGT, Swarn Singh Katoch V.P.O. Maranda, Tehsil Palampur, District Kangra (H.P.) declare that in my husband's service record my name Sharda Kumari Katoch is wrongly entered. The correct name is Sharda Devi. All concern note.

SHARDA DEVI,  
w/o Swarn Singh Katoch, VPO Maranda,  
Tehsil Palampur, District Kangra (H.P.).

